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CANADA

Debates of the Senate

1st SESSION

• 37th PARLIAMENT

• VOLUME 139

• NUMBER 1

OFFICIAL REPORT
(HANSARD)

Monday, January 29, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

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THE SENATE

Monday, January 29, 2001

THIRTY-SEVENTH PARLIAMENT OPENING OF FIRST SESSION

Parliament having been summoned by Proclamation to meet this day for the dispatch of business:

The Senate met at 10:30 a.m.

SPEAKER OF THE SENATE

READING OF COMMISSION APPOINTING
HONOURABLE DAN HAYS

The Honourable Dan Hays, having taken the Clerk's chair, rose and informed the Senate that a Commission had been issued under the Great Seal of Canada, appointing him Speaker of the Senate.

The said Commission was then read by the Clerk.

The Hon. the Speaker then took the Chair at the foot of the Throne, to which he was conducted by the Honourable Sharon Carstairs, P.C., and the Honourable John Lynch-Staunton, the Usher of the Black Rod preceding.

Prayers.

The Hon. the Speaker: Honourable senators, this is my sole opportunity, on this ceremonial occasion today and tomorrow, to say a few words. I do not want to miss this opportunity. No public opportunity could present itself, however, without noting the tragedy that occurred in Gujarat State in India on Friday and over the course of the weekend, and it continues as I speak. On behalf of honourable senators, I express sympathy to our sister Commonwealth country, India, and our friends in that country.

Honourable senators, I am grateful to have been asked to be your Speaker by Prime Minister Jean Chrétien. I will do my best to serve the institution and all senators. I thank the many colleagues who have supported me in this place and ask all for your continued support.

[Translation]

I wish you all a happy return to the Senate. It is with great enthusiasm that I undertake this new session as your new Speaker.

[English]

The office of Speaker of the Senate is unique in the tradition of Westminster-style parliaments. In contrast with the Speaker of the House of Commons, the Speaker of the Senate can vote and speak on any matter before the chamber. These freedoms grant

the holder of the office remarkable latitude in defining the scope of this position. I am, of course, aware of the tone and precedent set by my predecessor in this office, Senator Molgat, who served us so well in the last two parliaments, as well as other Speakers and Senates responsible for the evolution of the office. In particular, I am aware of the rule changes, beginning in 1906, giving the Speaker a role in maintaining order and thereby making the Speaker's responsibilities less like those of the Lord Chancellor of the House of Lords; the parliamentary office the position most closely resembled in 1867.

Each Speaker chooses a role for him or herself. The Honourable Speaker of the other place from the previous session, Gib Parent, for example, was active and interested in supporting numerous humanitarian causes not necessarily related to his parliamentary role.

[Translation]

As Speaker of the Senate, I intend to continue to maintain good relations with parliamentary institutions from everywhere, the government and particularly the Department of External Affairs. During my mandate, I also intend to continue to adequately protect the interests of my region and province and to stress issues that concern Albertans.

[English]

With these concepts in mind, I will consider the focus for my term in the context of the good example of former speakers.

[Translation]

As you know, French is my second language and I can assure you that I will take the opportunity provided by my new role to improve my knowledge of that language, which I truly love, and to get better acquainted with Quebec and all francophone regions in the country.

[English]

I congratulate Senator Carstairs on her new role as Leader of the Government, as well as Senator Robichaud on his new job as Deputy Leader of the Government, a position filled previously by very notable senators.

I would also like to compliment Senator Lynch-Staunton and Senator Kinsella on their re-election as Leader and Deputy Leader of the Opposition.

[Translation]

Honourable senators, I wish you every success in your endeavours during this new session.

[English]

COMMUNICATION FROM GOVERNMENT HOUSE

The Hon. the Speaker: Honourable senators, I have the honour to inform you that I have received the following communication from Government House, which reads as follows:

RIDEAU HALL

January 23, 2001

Sir,

I am commanded to inform you that the Right Honourable Beverley McLachlin, Chief Justice of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, will proceed to the Chamber of the Senate to open the First Session of the Thirty-seventh Parliament of Canada at 11:00 a.m. on Monday, the 29th day of January, 2001.

Yours sincerely,

Anthony P. Smyth
*Deputy Secretary
Policy, Program and Protocol*

The Honourable
The Speaker of the Senate
Ottawa

The Senate adjourned during pleasure.

• (1110)

At 11:15 a.m. the sitting was resumed, and was then adjourned, pending the arrival of the Deputy of Her Excellency the Governor General.

The Right Honourable Beverley McLachlin, Deputy of Her Excellency the Governor General, having come and being seated,

The Hon. the Speaker commanded the Usher of the Black Rod to proceed to the House of Commons and acquaint that House that it is the desire of the Honourable the Deputy of Her Excellency the Governor General that they attend her immediately in the Senate Chamber.

Who being come,

The Hon. the Speaker said:

Honourable Members of the Senate:

Members of the House of Commons:

I have the honour to inform you that Her Excellency the Governor General has been pleased to cause Letters Patent to be issued under her Sign Manual and Signet constituting

the Right Honourable Beverley Marian McLachlin, P.C., Chief Justice of the Supreme Court of Canada, her Deputy, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure.

The Commission was read by a clerk at the Table.

The Hon. the Speaker said:

Honourable Members of the Senate:

Members of the House of Commons:

I have it in command to let you know that Her Excellency the Governor General does not see fit to declare the causes of her summoning the present Parliament of Canada until a Speaker of the House of Commons shall have been chosen, according to law; but tomorrow, Tuesday, January 30, 2001, at the hour of two o'clock in the afternoon, Her Excellency will declare the causes of her calling this Parliament.

The House of Commons withdrew.

The Honourable the Deputy of Her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

COMMUNICATION FROM GOVERNMENT HOUSE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that I have received a communication from Government House, which reads as follows:

RIDEAU HALL

January 18, 2001

Sir,

I have the honour to inform you that Her Excellency the Right Honourable Adrienne Clarkson, Governor General of Canada, and His Excellency John Ralston Saul will arrive at the Peace Tower at 14:00 on Tuesday, the 30th day of January, 2001.

When it has been indicated that all is in readiness, Their Excellencies will proceed to the Chamber of the Senate to formally open the First Session of the Thirty-seventh Parliament of Canada.

Yours sincerely,

Anthony P. Smyth
*Deputy Secretary
Policy, Program and Protocol*

The Honourable
The Speaker of the Senate
Ottawa

ADJOURNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government), with leave of the Senate and notwithstanding rule 58(1)(h), moved:

That the Senate do now adjourn until tomorrow, Tuesday, January 30, 2001, at 2 p.m.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.



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THE SENATE

Tuesday, January 30, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

The Hon. the Speaker: As there is no business before the Senate, is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of Her Excellency the Governor General of Canada?

The Senate adjourned during pleasure.

At 2:15 p.m., Her Excellency the Governor General having come and being seated upon the Throne —

The Hon. the Speaker said:

Usher of the Black Rod,

You will proceed to the House of Commons and acquaint that House that it is the pleasure of Her Excellency the Governor General of Canada that they attend her immediately in the Senate Chamber.

The House of Commons being come,

Their Speaker, the Honourable Peter Milliken, said:

May it please Your Excellency,

The House of Commons has elected me their Speaker, though I am but little able to fulfil the important duties thus assigned to me. If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who, through me, the better to enable them to discharge their duty to their Queen and Country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable construction.

The Hon. the Speaker of the Senate answered:

Mr. Speaker, I am commanded by Her Excellency the Governor General to declare to you that she freely confides in the duty and attachment of the House of Commons to Her Majesty's Person and Government, and not doubting that their proceedings will be conducted with wisdom, temper and prudence, she grants, and upon all occasions will recognize and allow, their constitutional privileges. I am commanded also to assure you that the Commons shall have ready access to Her Excellency upon all seasonable

occasions and that their proceedings, as well as your words and actions, will constantly receive from her the most favourable construction.

SPEECH FROM THE THRONE

Her Excellency the Governor General was then pleased to open the First Session of the Thirty-seventh Parliament with the following speech:

Honourable Members of the Senate,

Members of the House of Commons,

Ladies and Gentlemen:

It is my great pleasure to greet you on this first day of the 37th Parliament since Confederation. The vital relationship that exists between the Canadian people and Parliament is what we celebrate today through history, custom and symbolism.

I also have the pleasure of welcoming new members to the House of Commons, and I want all parliamentarians to know how deeply I appreciate the ideals that motivate you to serve your country. I also appreciate the sacrifices brought on by your task and made in the name of the common good and of leadership.

[Translation]

And in a healthy democracy, leadership can come from everyone, because it is a sense of really knowing what you want and what you can contribute.

A little more than a year ago, I became Canada's 26th Governor General. I set out as the main objective of my first year in office to visit every province and territory and to meet as many Canadians as possible, wherever they live and make their lives — to engage in a true dialogue with them.

[English]

I have seen many places that Canadians have decided to call home, from big cities to small hamlets, from the Island of Montreal to Ellesmere Island.

But what we call home is more than a place name on a map. It is our belonging to a community of ideas and ideals; it is the knowledge that we can say something and be listened to, and the conviction that we can respect, rely upon and help each other.

[Translation]

Meeting Canadians across the country has given me the opportunity to hear about the different challenges we face. Looking at these issues, we of course remember that we have demonstrated, time and time again, that we have the self-confidence to act, and to act successfully. Change does not frighten us — we have always harnessed it to our advantage.

[English]

It is often said that our country's strength lies in its diversity. Why is this so? Because diversity imposes serious responsibilities. Indeed, if we accept our place in a rich and successful society, we must also acknowledge and engage with the parts of our society that are less advantaged.

The Government has been given a third mandate by Canadians. In leading Canada into the new millennium, its overarching goal will continue to be to build a stronger, ever more inclusive Canada and secure a higher quality of life for all Canadians. In pursuing this aim, the Government will carry out the commitments set out in its election platform.

Canada is proud, optimistic and strong. The Government has achieved the critical objective of restoring the nation's finances. The economy continues its longest period of economic expansion since the 1960s. Inflation and interest rates are low and stable. More than two million new jobs have been created since 1993. Significant new investments are being made in children and youth, in innovation and skills, in health care, and in the environment.

[Translation]

As we enter this new century, Canada and Canadians face the challenges of competing in a faster-paced, technology-driven world economy. Of responding to economic uncertainty among our trading partners. Of continuing to strengthen the fabric of our society in an era of increasing globalization. And of advancing our Canadian interests and values in the international arena.

We must ensure that every region, every province and territory, every community, and every citizen has a strong voice and can contribute to building our nation. To bring the benefits of our prosperity to all communities, whether urban, rural, Northern or remote. To promote innovation, growth and development in all parts of our economy, including our agricultural and resource sectors and our manufacturing and service industries.

[English]

Canadians must rise to these challenges. Success in our more interdependent and complex world will require the

contribution of all Canadians. The Government of Canada, for its part, will focus on:

- building a world-leading economy driven by innovation, ideas and talent;
- creating a more inclusive society where children get the right start in life, where quality health services are available to all, and where Canadians enjoy strong and safe communities;
- ensuring a clean, healthy environment for Canadians and the preservation of our natural spaces; and
- enhancing our Canadian voice in the world and our shared sense of citizenship.

In fulfilling its responsibilities, the Government of Canada will be guided by the values of Canadians. It will work with other levels of government, the private and voluntary sectors, and individual citizens.

It will continue to set bold goals and work toward them in a pragmatic, step-by-step way. It will continue to be a prudent steward of the nation's finances as it focusses on the priorities of Canadians. Its efforts will be affordable and sustainable. The Government reaffirms its commitment to balanced budgets.

To assist the Government in fulfilling its responsibilities, Canada must have a public service distinguished by excellence and equipped with the skills for a knowledge economy and society. The Government will seek bright, motivated young women and men to accept the challenge of serving their country in the federal public service. The Government is committed to the reforms needed for the Public Service of Canada to continue evolving and adapting. These reforms will ensure that the Public Service is innovative, dynamic and reflective of the diversity of the country — able to attract and develop the talent needed to serve Canadians in the 21st century.

The Government will help to create opportunity for Canadians and ensure that opportunity is shared by all. This is the Canadian Way for the 21st century.

[Translation]

Creating Opportunity

An innovative economy is essential to creating opportunity for Canadians.

An innovative economy is driven by research and development. It requires a highly skilled work force and investments in new technology. A business environment and tax policies that encourage smart risk taking and entrepreneurship and that reward success. An attractive environment for investment. And a strong global brand for Canadian excellence.

[English]

An innovative economy is one where the benefits of new ideas are shared by every sector and every region — from East to West to North, from office workers to farm families.

Canada has laid a solid foundation for success in the new economy. Our economic fundamentals are among the best in the world. Spiralling debt and deficits have been replaced by social and economic investments, tax cuts and debt repayments. On January 1st of this year, most elements of the Government's comprehensive and broad-based package of \$100 billion in tax relief took effect.

[Translation]

We are better positioned than at any time in the last three decades to seize the opportunities of the global economy and to weather a short-term slowing of growth experienced by Canada's major trading partners.

[English]

Innovation

To secure our continued success in the 21st century, Canadians must be among the first to generate new knowledge and put it to use.

Our objective should be no less than to be recognized as one of the most innovative countries in the world. Achieving this will require a comprehensive approach and the support and participation of all governments, businesses, educational institutions, and individual Canadians.

We must strive for Canada to become one of the top five countries for research and development performance by 2010. This is a challenge for all Canadians, but in particular for the private sector as the largest research investor in Canada.

As its contribution, the Government will at least double the current federal investment in research and development by 2010. In making new investments, the Government will:

- continue to pursue excellence in Canadian research by strengthening the research capacity of Canadian universities and government laboratories and institutions;
- accelerate Canada's ability to commercialize research discoveries, turning them into new products and services; and

- pursue a global strategy for Canadian science and technology, supporting more collaborative international research at the frontiers of knowledge.

[Translation]

New federal investments will include strategically targetted research that is co-ordinated with partners. These investments will directly benefit Canadians in areas such as health, water quality, the environment, natural resources management, and oceans research. Among its investments, the Government will increase support for the development of new technologies to assist Canadians with disabilities.

[English]

Research in life sciences will benefit all of Canada, particularly our agricultural and rural economies. The Government will help Canada's agricultural sector move beyond crisis management — leading to more genuine diversification and value-added growth, new investments and employment, better land use, and high standards of environmental stewardship and food safety.

Skills and Learning

Canada will only realize its full potential by investing aggressively in the skills and talents of its people.

To succeed in the knowledge economy, Canada will need people with advanced skills and entrepreneurial spirit. Canada's youth are optimistic, technologically savvy, globally connected and the most highly educated generation in our history. The Government will continue to help young Canadians contribute to their country, gain employment, and apply their business and creative skills.

Building a skilled work force must be a national effort. The Government of Canada will work with provinces and territories and with non-governmental organizations to ensure that all Canadians, young and old, can achieve their learning goals. Canada must see at least one million more adults pursue learning opportunities during the next five years.

[Translation]

The Government will also help adults who want to improve their skills, but who may face difficulty in finding the time or resources to do this while providing for themselves and their families. It will create Registered Individual Learning Accounts to make it easier for Canadians to finance their learning. And it will improve the loans that are available to part-time students, so more workers can learn while they earn.

[English]

Some Canadians face particular challenges in upgrading their skills and enhancing their education. The Government will take steps to make it easier for them to access skills and learning.

- Youth at risk are among the most likely to drop out of school or to have difficulty in making the transition from school to work. The Government will work with its partners to ensure support for youth who particularly need help staying in school or getting their first job.
- Today, many Canadian adults lack the higher literacy skills needed in the new economy. The Government of Canada will invite the provinces and territories along with the private sector and voluntary organizations to launch a national initiative with the goal of significantly increasing the proportion of adults with these higher-level skills.
- Persons with disabilities face barriers to full participation in the economy and society. The Government of Canada will work with the provinces and territories and other partners toward a comprehensive labour-market strategy for persons with disabilities.
- Increasing numbers of Aboriginal people are developing their business skills and competing in the new economy. The Government will work with Aboriginal people to help strengthen their entrepreneurial and business expertise.

Immigrants have enriched Canada with their ideas and talents. The Government will take steps to help Canada attract the skilled workers it needs. It will also work in co-operation with the provinces and territories to secure better recognition of the foreign credentials of new Canadians and their more rapid integration into society. The Government will re-introduce changes to immigration legislation to streamline and improve the immigration system.

Connecting Canadians

The Government has helped to make Canada one of the most connected countries in the world, yet the speed of change continues to accelerate. Canada must continue to develop and strengthen its information infrastructure.

The private sector today is expanding high-speed access to the Internet in many regions. The National Broadband Task Force will advise the Government on how Canadians together can achieve the critical goal of making broadband

access widely available to citizens, businesses, public institutions and to all communities in Canada by 2004.

[Translation]

The Government will continue to support the Community Access Program and SchoolNet, ensuring that Canadians, their communities and their schools can have an on-ramp to the information highway. These programs are critical to Canada's effort to close the digital divide, particularly in rural, remote, Northern and Aboriginal communities. The Government will also enhance SchoolNet, focussing on creating more and better learning content on-line.

The Government will continue to work toward putting its services on-line by 2004, to better connect with citizens.

It will also modernize federal privacy law to safeguard the personal information of Canadians and provide better copyright protection for new ideas and knowledge.

[English]

Trade and Investment

The Government's investments in innovation, skills and connectivity, as well as its reduction of corporate taxes and improved treatment of capital gains, are making Canada one of the most attractive places to invest and to do business. In addition, the Government will:

- ensure that Canadian laws and regulations remain among the most modern and progressive in the world, including those for intellectual property and competitiveness; and
- re-introduce legislation to promote a strong and efficient financial services sector that will benefit the Canadian economy and all Canadians.

[Translation]

The Government will work closely with the United States, Canada's most important trading partner, to maintain secure and efficient access to each other's markets. It will continue the joint work begun to modernize the shared border.

At the Third Summit of the Americas in Quebec City this April, the Government will advance work toward creating the Free Trade Area of the Americas.

The Government will also launch a branding strategy to raise awareness of the advantages of investing in Canada. As part of this effort, the Government will continue its successful Team Canada trade missions and launch Investment Team Canada missions to the United States and Europe.

[English]

Sharing Opportunity

The Canadian Way recognizes that economic and social success must be pursued together. We cannot build a prosperous society in the absence of economic growth. We cannot lead in innovation and new ideas without healthy and secure citizens. We must not pursue our interests in the world without strengthening our distinct culture and values here at home.

Nowhere is the creation and sharing of opportunity more important than for Aboriginal people. Too many continue to live in poverty, without the tools they need to build a better future for themselves or their communities. As a country, we must be direct about the magnitude of the challenge and ambitious in our commitment to tackle the most pressing problems facing Aboriginal people. Reaching our objectives will take time, but we must not be deterred by the length of the journey or the obstacles that we may encounter along the way.

The Government is committed to strengthening its relationship with Aboriginal people. It will support First Nations communities in strengthening governance, including implementing more effective and transparent administrative practices. And it will work to ensure that basic needs are met for jobs, health, education, housing and infrastructure. This commitment will be reflected in all the Government's priorities.

Children and Families

Securing a good start in life for children is the only way to ensure that they are ready to learn, to seize opportunity as adults, and to contribute to the building of their country.

There was a time in Canada when retirement often meant facing a new life of hardship. A generation ago, Canadians set a national goal to eliminate poverty among seniors, and we have made significant progress.

There was a time in this country when falling sick meant risking one's life savings. Working together, Canadians built a national, publicly funded health care system to ensure access to quality care for every citizen regardless of income.

There was a time when losing a job also meant immediate loss of income for workers and their families. And so Canadians created Employment Insurance.

Now Canadians must undertake another national project — to ensure that no Canadian child suffers the debilitating effects of poverty.

[Translation]

Canadians and their governments have already taken significant steps in this direction.

A strong economy and job creation have been essential to reducing poverty and ensuring that families have the resources to care for their children. But economic growth alone is not enough. Governments also have a key role to play in helping families left behind and in providing support to families and children.

All governments have put in place a range of measures to help families and children. The National Child Benefit is the cornerstone of our collective efforts to provide children with a better start. It is the single most important social program to be introduced in this country since medicare in the 1960s. The Government of Canada's contribution to the National Child Benefit will continue to rise over the next four years.

Most recently, the Government of Canada and provinces and territories launched the Early Childhood Development initiative to expand and improve access to services for all families and children. The Government of Canada is investing more than \$2 billion in this initiative over five years. As part of this agreement, governments will begin reporting to Canadians on the outcomes of their programs and services for children. These reports will give the Government of Canada and its partners the information they need to take whatever additional steps are necessary to provide Canadian children with a better start in life.

[English]

The Government of Canada will also take immediate action with its partners where the challenges are greatest.

- Single parents and their children often face special challenges overcoming poverty. The governments of Canada, New Brunswick and British Columbia have been testing new approaches to help single parents become more self-sufficient. The Government of Canada is prepared to test innovations with other provinces and territories, with the longer-term aim of developing new measures that help these parents overcome poverty.
- The Government will work with its partners on modernizing the laws for child support, custody, and access — to ensure that these work in the best interests of children in cases of family breakdown.

- It will improve the support available to parents and caregivers in times of family crisis. No Canadian should have to choose between keeping their job and providing palliative care to a child. The Government will take steps to enable parents to provide care to a gravely ill child without fear of sudden income or job loss.
- In securing a better future for Aboriginal children, the Government will work with First Nations to improve and expand the early childhood development programs and services available in their communities. It will also expand significantly the Aboriginal Head Start program, to better prepare more Aboriginal children for school and help those with special needs.
- The Government of Canada will also co-operate with Aboriginal communities and provinces and territories on the measures required to reduce the number of Aboriginal newborns affected by fetal alcohol syndrome. No child should experience this syndrome, but Canada's immediate aim must be to significantly reduce its incidence in the Aboriginal population by the end of this decade.

Good Health and Quality Care

A healthy Canadian society is built on the health and well-being of individual Canadians and the health of our communities.

Canadians place a high priority on good health and on their health care system. We know that our system of medicare, which ensures access to needed services regardless of income or place of residence, is vital to our quality of life. It is a Canadian advantage and deeply valued by all citizens.

The Government of Canada will uphold the Canada Health Act. It will work with the provinces and territories to ensure that all governments continue to fulfil their commitment to the principles of medicare.

[Translation]

Governments in Canada have come together to strengthen and renew Canada's health care system. Last September, First Ministers affirmed the commitment of their governments to the principles of the Canada Health Act and endorsed a health action plan that will enable them to move forward in building a modern, integrated and sustainable health system for Canadians.

Over the next three years, governments will take concrete action to reform and support innovation in primary care, to adopt modern health information technologies, and to purchase needed diagnostic and medical equipment. For its part, the Government of Canada is committing more than \$21 billion in new funding to the provinces and territories over five years through the Canada Health and Social Transfer.

The Government will also champion community-based health promotion and disease prevention measures.

- It will strengthen its efforts to encourage physical fitness and participation in sport, and take further steps to combat substance abuse, reduce tobacco consumption, prevent injuries and promote mental health.
- It will advance progress on disease prevention, focussing in particular on reducing the incidence of preventable diabetes and tuberculosis — especially among Aboriginal people, who suffer disproportionately from these diseases.
- The Government will also provide a further major increase in funding to the Canadian Institutes of Health Research. The new funding will enable the Institutes to enhance their research into disease prevention and treatment, the determinants of health, and health system effectiveness.

[English]

Building on the health action plan's commitment to public reporting, the Government of Canada will work with the provinces and territories to create a citizens' council on health care quality. This council will ensure that the public's perspective is considered in developing meaningful indicators of health system performance.

As public reporting begins on how the health system is meeting the needs of Canadians, governments will use this information to continue to move forward with the renewal of medicare.

A Clean Environment

Canada is blessed by the beauty of its vast landscape and the wealth of its natural resources. But with this blessing comes the responsibility to ensure its preservation. A healthy environment is an essential part of a sustainable economy and our quality of life.

The Government's focus will be on the three priorities of clean air, clean water, and the conservation of Canada's natural spaces.

[Translation]

Last December, the Government of Canada signed an agreement with the United States to significantly reduce the emissions that cause smog. This agreement will lead to a 90 percent reduction in smog-causing vehicle emissions by 2010, bringing cleaner air to millions of citizens in both countries. The Government will move quickly to implement this agreement and other measures, working with the provinces and territories to achieve cleaner air.

[English]

It is Canada's responsibility, as steward of one of the world's largest supplies of fresh water, to protect this critical resource. Safeguarding our water is a shared task among governments, industry and individual Canadians. The Government of Canada will fulfil its direct responsibilities for water, including the safety of water supplies on reserves and federal lands.

- The Government will also lead in developing stronger national guidelines for water quality by enhancing scientific research and continuing its collaboration with partners. Drawing on expertise within the Government and from across Canada, it will significantly strengthen the role of the National Water Research Institute.
- It will fund improvements to municipal water and waste water systems through the federal-provincial-municipal Infrastructure Canada program.
- It will also invest in research and development and advanced information systems to enable better land use and protect surface and ground water supplies from the impact of industrial and agricultural operations.

[Translation]

Canadians are the guardians of a significant percentage of the world's wilderness and wildlife. The Government will invest in the creation of new national parks and implement a plan to restore existing parks to ecological health. It will work with its partners toward more integrated, sustainable management of Canada's oceans. And it will re-introduce legislation for marine conservation areas and to protect species at risk.

As part of its efforts to promote global sustainable development, the Government will ensure that Canada does its part to reduce greenhouse gas emissions. It will work with its provincial and territorial partners to implement the recently announced first national business plan on climate change.

[English]

To safeguard Canadians from toxic substances and environmental contaminants, the Government will also strengthen laws, research efforts and other measures for health protection. This will include the development of appropriate standards that reflect the special vulnerabilities of children.

[Translation]

Strong and Safe Communities

Strong and safe communities are an essential part of the fabric of our society. They are critical to providing Canadians with the security to build a better future for themselves and their families. They are also important to attracting talented people from around the world to come and make their home here.

Canadian communities of all sizes — whether urban or rural, Aboriginal or multicultural — face diverse challenges and have unique needs. The Government of Canada will strive to ensure that, wherever possible, its actions and programs are co-ordinated to help build local solutions to local challenges. It will work with partners across Canada to launch a dialogue on the opportunities and challenges facing urban centres. It will co-operate with provincial and municipal partners to help improve public transit infrastructure. And it will help to stimulate the creation of more affordable rental housing.

[English]

Ensuring that Canada's communities are safe is an important element of fostering and attracting the talented people needed for success in the new economy. Crime rates in Canada have fallen steadily for almost a decade.

The Government of Canada will continue to work with provinces and territories, communities, and all its partners to implement a balanced approach to addressing crime — focussing on prevention as much as punishment, strengthening penalties for serious crime, and considering the needs of victims.

The Government will focus on safeguarding Canadians from new and emerging forms of crime. It will take aggressive steps to combat organized crime, including the creation of stronger anti-gang laws and measures to protect members of the justice system from intimidation. It will provide enhanced law enforcement tools to deal with emerging threats to security, such as cybercrime and terrorism. It will act to safeguard children from crime, including criminals on the Internet. The Government will take steps to ensure that our laws protect children from those who would prey on their vulnerability.

The Government will re-introduce legislation to change how the justice system deals with young offenders. It will encourage alternatives to custody for non-violent offenders, emphasizing rehabilitation and re-integration into society, while toughening consequences for more violent youth.

Working with the provinces, territories and communities, the Government of Canada will strengthen the capacity of local communities to deal with conflict, prevent crime, and address drug abuse.

It is a tragic reality that too many Aboriginal people are finding themselves in conflict with the law. Canada must take the measures needed to significantly reduce the percentage of Aboriginal people entering the criminal justice system, so that within a generation it is no higher than the Canadian average.

Vibrant Canadian Culture

Canada is defined by far more than its political boundaries or economic relationships. In these times of rapid change and globalization, it is more important than ever that we know who we are as Canadians and what brings us together.

The focus of our cultural policies for the future must be on excellence in the creative process, diverse Canadian content, and access to the arts and heritage for all Canadians.

[Translation]

Both the English and French networks of the Canadian Broadcasting Corporation have long been cornerstones of Canadian cultural policy. The CBC helps connect Canadians to each other, their history and their country. It reaches all parts of Canada, from big cities to small towns to Northern and Aboriginal communities. It provides a distinctive Canadian voice in both official languages and important opportunities for our creative people. The Government will increase its support to help the CBC fulfil its distinct role as a public broadcaster serving all Canadians.

[English]

The Government will assist the book-publishing and sound-recording sectors to make the transition to the new economy. It will continue to support the development of digital content for the Internet and other new media in French and English. And it will work to expand international markets for Canadian cultural products and services.

Communities across Canada are increasingly recognizing the importance of arts and heritage for their quality of life

and ability to attract talent, investment and tourism. The Government of Canada will continue to work with the private and not-for-profit sectors and other governments to strengthen Canada's cultural infrastructure. It will help communities to develop arts and heritage programs that are sustainable and relevant to their diverse circumstances and aspirations.

[Translation]

Creating and Sharing Opportunities Globally

The well-being of Canada and Canadians depends on global human security, prosperity and development.

The Government of Canada is committed to working with its international partners to promote international peace and security by enhancing the mechanisms for conflict prevention and resolution. It will work to strengthen global governance as well as existing and new multilateral institutions. These include the G-20 — a new forum of which Canada is the first chair — which is striving to enhance the stability of the world economy and ensure that globalization benefits all its participants.

The Government will increase Canada's official development assistance and use these new investments to advance efforts to reduce international poverty and to strengthen democracy, justice and social stability worldwide.

Canadians have become leaders in harnessing the power of technology to build a more inclusive society. This experience serves as a powerful model for the world. Through its participation on the Digital Opportunities Task Force established by the G-8 nations and through its own investments in developing countries, Canada will contribute to closing the global digital divide.

The Government will continue Canada's proud record of peacekeeping. In Budget 2000, the Government provided funding increases for the Canadian Forces to help ensure that they are equipped and prepared to respond quickly to calls for help at home and abroad.

[English]

The Summit of the Americas this year presents an exceptional opportunity to promote a balanced and coherent vision for deepening co-operation among the nations of the Western hemisphere. The summit declaration and action plan will support Canada's interest in strengthening democracy and human rights, expanding commerce through the Free Trade Area of the Americas initiative, increasing people's access to the benefits of growth, and providing opportunities for all nations in the Americas to improve the quality of life of their citizens.

At the Summit of the Americas and as chair of the G-8 in 2002, Canada will work to expand opportunities for more countries to participate in the benefits of globalization, while pressing for peace and security in the world.

Celebrating Our Canadian Citizenship

Canada was born of a noble vision and an act of will.

Our Canadian citizenship has been built over time through the experiences we have shared ...

...when together we celebrate the successes of our scientists, scholars, athletes and artists, our leaders on the world stage, and our peacekeepers. And when we remember and honour our war veterans.

...when we visit other parts of our country or when we travel abroad and see ourselves through the eyes of others.

...when every year thousands of new Canadians stand proudly with their families to take on the responsibilities of Canadian citizenship.

...when we come together to help each other in tough times. And when millions of Canadians volunteer their time and energy to make their communities a better place.

[Translation]

The Government will help Canadians to strengthen their bonds of mutual understanding and respect, to celebrate their achievements and history, and to exercise their shared citizenship.

- It will continue to expand exchange programs for young Canadians to reach its goal of 100,000 exchanges each year.
- Canada's linguistic duality is fundamental to our Canadian identity and is a key element of our vibrant society. The protection and promotion of our two official languages is a priority of the Government — from coast to coast. The Government reaffirms its commitment to support sustainable official language minority communities and a strong French culture and language. And it will mobilize its efforts to ensure that all Canadians can interact with the Government of Canada in either official language.

[English]

The institutions of Government will continue to be strengthened. Since 1993, the Government has taken a range

of measures to enable members of Parliament to more effectively represent the views of their constituents. MPs have participated in pre-budget consultations, at the end of which recommendations were made to the Government. Moreover, private members' bills from the House and Senate have been taken into account more often and considered with greater attention than at any time in the past.

In this new session of Parliament, the Government will make further proposals to improve procedures in the House and Senate. Among other measures, voting procedures will be modernized in the House of Commons and, to assist parliamentarians in carrying out their duties, the Government intends to increase the resources of the Library of Parliament to better serve the research needs of standing committees of the House and Senate.

[Translation]

Every Canadian is called upon to make a contribution to building our country. To ensure that the promise of Canada becomes an even greater reality in the 21st century. And to ensure that our Canadian Way remains the best example of what is possible when women and men of every race and creed come together in community in search of a better future.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

[English]

Honourable Members of the Senate and Members of the House of Commons:

May Divine Providence guide you in your deliberations.

The sitting of the Senate was resumed.

RAILWAYS BILL

FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-1, relating to railways.

Bill read first time.

SPEECH FROM THE THRONE

CONSIDERATION AT NEXT SITTING

The Hon. the Speaker: Honourable senators, I have the honour to inform you that Her Excellency the Governor General has caused to be placed in my hands a copy of her Speech delivered this day from the Throne to the two Houses of Parliament. It is as follows —

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, when shall this Speech be taken into consideration?

Hon. Fernand Robichaud (Deputy Leader of the Government) moved:

That the Speech of Her Excellency the Governor General, delivered this day from the Throne to the two Houses of Parliament, be taken into consideration at the next sitting of the Senate.

Motion agreed to.

COMMITTEE OF SELECTION

APPOINTMENT

Hon. Fernand Robichaud (Deputy Leader of the Government) moved:

That, pursuant to rule 85(1), the Honourable Senators Austin, Corbin, DeWare, Fairbairn, Graham, Kinsella, LeBreton, Mercier and Murray be appointed a Committee of Selection to nominate (a) a senator to preside as Speaker *pro tempore*; and (b) the senators to serve on the several select committees during the present session; and to report with all convenient speed the names of the senators so nominated.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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• 37th PARLIAMENT

• VOLUME 139

• NUMBER 3

OFFICIAL REPORT
(HANSARD)

Wednesday, January 31, 2001

THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

MAR 8 2000

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THE SENATE

Wednesday, January 31, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

THE HONOURABLE RAYMOND G. SQUIRES

TRIBUTES ON RETIREMENT

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise this afternoon to pay tribute to the Honourable Senator Raymond Squires. I am very pleased to have the opportunity to speak on his retirement, for we in the Senate, Senator Squires, have been deeply honoured that a person with such generosity and concern for his fellow man has been in our midst.

Senator Squires is a true philanthropist, someone who has worked throughout his lifetime on behalf of his community. His hometown in Newfoundland, St. Anthony, would be a very different place if it were not for Senator Squires. His contributions to numerous endeavors have made him a special member of his community. He has given unsparingly in donations of both time and financial assistance to the local Lion's Club chapter and to his church.

If not for Senator Squires, I think it could be said that St. Anthony would not have been able to participate in the great Canadian pastime of hockey, as Senator Squires was patron of his hometown team and for many years their sole financial support.

Senator Squires also served his community in a very public capacity. As mayor of St. Anthony, he demonstrated unusual leadership. He made a lasting contribution by initiating significant improvements in the town's water — something about which we have heard quite a bit in towns throughout this country recently — but the also in the field of road and sanitation infrastructure.

As recognition for his lifelong dedication to the welfare of his fellow citizens, Senator Squires was awarded the Order of Canada in October of 1997. As a member of the Order of Canada, Senator Squires has brought honour to the country and honour, I believe, to this institution during his tenure here.

On behalf of my Senate colleagues, I should like to thank you, Senator Squires, for your contribution to the standing committees and to this chamber. I know that though Senator Squires will be leaving us and will no longer be able to make a contribution in this chamber, he will continue to make a contribution to his community, to his native Newfoundland and to the young people of that province, who can look to him and say, "That is an example I wish to follow."

Hon. Gerald J. Comeau: Honourable senators, along with another senator we will mention later, Senator Squires is retiring from the Senate and, as well, from the Senate Fisheries Committee. We will be losing a valuable member whom we have come to appreciate. I did not get a chance to know Senator Squires as well as I would have liked, but I do know that we have lost a member from the Fisheries Committee who was deeply interested in advancing the interests of his beloved Newfoundland and the coastal communities in which he took an active interest.

Senator Carstairs talked about Senator Squires' career a few minutes ago, so I shall not dwell on that, but I do wish to say that his very short stay in the Senate did give us a opportunity to know Senator Squires a bit better. I very much appreciated his keen interest in fisheries issues and his love of nature and the great outdoors.

Senator Squires is what Atlantic Canadians fondly like to refer to as the salt of the earth. This is meant as a compliment in that he is a humble man with no pretensions. His ready smile is quite genuine. Like most Newfoundlanders, he has the gift of recounting stories, and he does that extremely well. As we can tell from his youthful appearance, he respects good health and lives accordingly, with a proper diet and exercise. His friends tell me that he not only has a healthy heart but also a very kind one.

Senator Squires and his wife, Linda Grace, take much pleasure in regular matches of darts, Scrabble and the card game *flinch*, and they are very avid travellers to the southern climes. I have learned that as a birthday present, his seventy-fifth, his daughter Sharon and her partner Bill will be sending Senator Squires and his wife up the Mississippi for the weekend to visit the casinos. We wish you both well at the tables, Senator Squires, and we wish you well in your retirement in the years to come. Thank you for having served with us.

• (1410)

Hon. B. Alasdair Graham: Honourable senators, it seems that we have spent far too short a time in the company of Senator Raymond Squires. It is unfortunate because this very proud and dedicated Newfoundlander has cast a bright light in his home community and his province over the course of a respected and highly successful career.

Senator Squires is a great believer in cooperation and partnership. He has worked hard to support families and communities and the deep traditions of Newfoundlanders in his exemplary commitment to community service. As has been mentioned by our leader, Senator Carstairs, he was admitted to the Order of Canada. His volunteer service included years as mayor of St. Anthony and president of the St. Anthony Chamber of Commerce, along with innumerable other volunteer activities in his beloved town.

As we say goodbye today to our friend Senator Squires, we have a chance to reflect upon the kind of spirit that makes this world a better place. We remember that generosity and responsibility are not someone else's concern; they are the concern of all of us. Those qualities must come from all of us. It is in our communities and in all the ordinary places that the wonderful values that make us Canadian are shaped and honed and revitalized. Senator Squires has dedicated his life to moulding the values that are the anchor of our national identity.

Ray, as we wish you, your wife, Linda Grace, and your family much success and good health in the future, we thank you for the example that you have set for all of us.

Hon. Jane Marie Cordy: Honourable senators, it is my pleasure to be able to say a few words today about Senator Ray Squires, a man who has to say goodbye at a time when many of us are just beginning to know him.

Senator Squires and I were appointed to the Senate at the same time, amidst the Clarity Bill debate in June. He embodies many of the attributes for which the Senate stands. He is a man who has devoted much of his life working for the betterment of others. An experienced municipal politician and administrator, Senator Squires served the people of St. Anthony with honour and distinction, bringing to the town such amenities as running water, a sewer system, electricity and paved streets. These, along with other tremendous accomplishments, earned Senator Squires the Order of Canada in 1997, but most important, it earned him the undying respect of the people of St. Anthony.

Honourable senators, I should like to congratulate Senator Squires on his time in the Senate and wish him and his wife, Linda Grace, all the very best in his retirement.

Hon. Bill Rompkey: Honourable senators, I am reminded of the Civil War song *Johnny, we hardly knew ya*, because it is about a person who was untimely plucked from our midst, and that is the case with Ray Squires. The regrettable thing about that is that he is being plucked away as a man of wisdom. We need more men and women of wisdom in this chamber and in this country.

Senator Squires' wisdom began in not an unusual way in Newfoundland, because for two years he fished. That is the beginning of wisdom. When your hands are cold from hauling in those nets and ropes and being out in the middle of the North Atlantic in those gales and all that wind and that sea, you begin to learn wisdom and what life is all about. That is where it begins because that is the foundation of our culture. We are a fishing people, and Ray is fundamentally a Newfoundlander because he started that way.

However, Ray very quickly learned that there were other challenges and things to be accomplished, and he quickly built one of the most successful General Motors dealerships and garages in Newfoundland on the northern peninsula. He knows what it is to reach a bottom line, to defend that bottom line, and to serve the people and build a relationship with people.

I think Ray is most proud, however, of his time as mayor of St. Anthony because in those days, after we joined Confederation in 1949, we had a lot of building to do to bring ourselves up to, as many other Atlantic provinces did, the standards of other Canadians. That, I think, is Ray Squires' chief accomplishment. He brought fundamental services to his community, such as water, sewer and electricity that other Canadians took for granted.

Ray would want me to mention today that it was the partnership that he built with Ed Roberts that made that building of St. Anthony possible. Ray was the mayor and Ed was a powerful provincial minister. Ray had the agenda and Ed had the access; together, they made a terrific team for a very long time, a team that I was glad to join in 1972.

If Ed were here today, honourable senators, he would want me to tell you that he regards Ray and Ray's first wife, Ann, more like a father and mother than anything else because Ray's home in St. Anthony became a home away from home for Ed Roberts, as it did for myself. I know that Ed would want me to say that, and I know that Ray would want that to be recorded in the public record.

I first met Ray in the early 1970s. I first ran in 1972. Those of us who run for office know that you do not get yourself elected but that the people elect you. You depend so much on people. I owe so much to Ray Squires and his family who opened up to me his contacts, his wisdom, his garage, his house, his kitchen, his washer and his dryer. I probably even borrowed a shirt or two from time to time, as we all do when we are on the road and run out of clean clothes. I appreciated that.

Ray and I have a lifelong friendship that began in 1972 and continues today. I have been proud to serve with him in this chamber, although for too short a time, but the relationship between us will continue.

Ray, we wish you and Grace all the best in the years ahead.

Hon. Raymond G. Squires: Honourable senators, like my old daddy used to say, "If you want to hear something good about something that somebody did not do, always go to their funeral. That is where you will hear it."

First, I should like to thank all of you wonderful people. I have learned a lot since I have been here. I do not think I have done that much because I was appointed to the Senate at a busy time. After a few weeks, the Senate recessed for summer holidays, came back for two or three weeks, and then we closed for the fall election. I did not have much of a chance to get my feet wet, really.

I will tell honourable senators, however, that I have a far different feeling about the Senate today than I did when I came here. I have learned a lot. Seeing how you do your work, with dignity and honour, serving Canada, makes me feel so proud to be among you. You are great people, and I thank you all very much.

I will go back to what Senator Rompkey said. Yes, I was a very young man when I got involved in local politics in St. Anthony. We had no running water, no sewer, no electricity and few telephones. We had no roads. We walked around town on footpaths. We had no cars. I got involved with my good friend Ed Roberts and, of course, Senator Rompkey, who was there in the later years. Together we built St. Anthony, and Senator Rompkey helped to put us on the map. Now we have all the modern conveniences, and I should like to thank individuals such as Senator Rompkey and Ed Roberts, as well as the Liberal government.

• (1420)

Honourable senators, I woke up this morning with the Ottawa flu. Yesterday, I waited on a corner for an hour and 25 minutes for a taxi before I finally waved one down. I had nothing on my head, only a pair of shoes on my feet, and when I got to the hotel I was soaking wet. The first thing I had to do was jump into a hot shower. When I woke up this morning, I was not well.

I should like to thank the Honourable Senator Sharon Carstairs for her guidance. I enjoyed meeting with her on at least three or four occasions. She gave me instructions and guidance, which I greatly appreciated. It was a big help.

I should also like to thank Senator Rompkey and his office staff. Senator Rompkey took me under his wing when first I came here, like the old hen with her chickens, and led me down the straight and narrow path.

Again, honourable senators, I wish to thank you for everything. I enjoyed my stay here. May God bless you, everyone.

THE HONOURABLE RAYMOND J. PERRAULT, P.C.

TRIBUTES ON RETIREMENT

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is with a great deal of sadness that I deliver this speech on the retirement of the most Honourable Raymond Perrault, a man who has been a beneficial influence in my life, not just here in the Senate but in another life to which I will make reference in a few minutes. It has been a great honour to serve with him in the Senate and be able to go to him for advice when I was one of the new kids on the block.

During his long life in public service, Senator Perrault has been elected to the British Columbia legislature three times, serving as Liberal leader. It would take Senator Nick Taylor and myself to fully understand that particular role in Western Canada. It is not easy to be a Liberal and a provincial Liberal leader in a western province, but he did it and he did it well. I am proud to

say that it is an honour that I share in common with you Senator Perrault.

Senator Perrault was elected to the House of Commons in 1968, defeating the very respected and eminent Tommy Douglas. He served as parliamentary secretary to two ministers and was minister on two occasions. In 1973, he was appointed to the chamber by the late prime minister Pierre Elliott Trudeau. He was twice leader of the government in the Senate and has served on many of our standing committees and almost as many special committees. In recent years, for example, he served on committees studying post-secondary education, transportation safety and Canada's foreign policy.

As leader of the government in the Senate, Senator Perrault promoted a more rigorous code of ethics for members of this chamber and also for the other place, feeling very strongly that public servants should be "beyond reproach" on matters that could be construed as a conflict of interest.

As a patron to the Canada Pacific Russia Trade Centre in Vancouver, he has encouraged multilateral economic development and believes that Canada has a strong role to play on the world stage. He has voiced an ongoing concern for the environment and has worked to mitigate the effects of industrialization and nuclear technology, not only in British Columbia but in the rest of Canada.

Honourable senators, I believe — and perhaps this is because of the school teacher in me — that one of Raymond Perrault's most significant achievements was when, still in school, he won a merit award for his contribution to student life. This was indicative of the path that he would follow in his adult life: that of service to the public and of not seeking glory for himself but rather, reaching out and seeking to help those who needed his assistance.

[Translation]

Raymond Perrault's roots in Canada go back more than 350 years, and they are Acadian roots. He descends from a long line of hard-working people; his ancestors came to this new country very early in its history. He had to help support his family from the age of nine, upon the death of his father. The sympathy he feels for those in need of his help is a sincere one: the outcome of the difficulties and opportunities that have marked his own life.

[English]

Honourable senators, Senator Perrault has held the Senate in high esteem since he has been here, and he has been extremely quick to defend it from half-truths and inequities reported in the media. He has consistently attempted to raise the profile of the Senate in the minds of Canadians, especially to those in his home province, British Columbia. He has promoted the idea of more federal representatives for British Columbia, believing that much of the dissatisfaction Western Canada harbours for our federal government could be remedied by increasing understanding instead of focusing on points of divergence.

Senator Perrault has spoken out many times in order to preserve unity — both party unity and, of far greater importance, national unity. When he was serving under Mr. Trudeau, it was no secret that our former prime minister was frustrated by the position of the western provinces, especially British Columbia. Senator Perrault, however, was patient and sympathetic to both sides of the problem and has always believed that conciliatory gestures are far more effective than decisive and divisive ones. He worked for mutual understanding and respect, believing that resolution is a two-way street, not only between British Columbia and the federal government, but between British Columbia and Quebec, asserting that regionalism and separatist movements arise when there is “a problem of communication.”

Raymond Perrault, honourable senators, has been a supporter of the disenfranchised, not only on a national level but on an individual level. In 1966, he delivered a speech in which he said that he could foresee the day when Canada would have a women prime minister. This earned him a story in the *Vancouver Sun*, and we thank men like Senator Perrault for his outspoken support for social equity and equality.

Raymond Perrault is, in my estimation, a selfless and consistent man, arguing for equality and impartial treatment. He has never let loyalty to a party interfere with progress that would benefit the majority of Canadians, and he has made many attempts at renewing his own Liberal Party. He is known for his independent thought as well as for judging ideas based on their merit, not on partisan preferences. His ideals are based on exclusiveness of service to others. What more could we ask of a human being than that he has dedicated his life to the service of others?

Senator Perrault, I should like to thank your son, your daughter and, above all, your wife for sharing you with us. Thank you for your contribution to this chamber, to the other place, to your native province, British Columbia, and to all of Canada.

• (1430)

Hon. Gerald J. Comeau: Honourable senators, it is somewhat of a coincidence that we are today saying goodbye to two senators from the “bookend” provinces of Canada — Newfoundland and British Columbia — and what great bookends.

Senator Perrault is a great British Colombian and a great Canadian, and I am very sorry to see him leave. Although we sat on opposite sides of this chamber, we sat on the same side of most issues dealing with Canada's coastal communities.

As Senator Carstairs alluded to earlier, Senator Perrault and I have ties dating back to 1635 when our colonial ancestors — in his case the Belliveau family and in my case the Comeau family — settled the fertile lands of the heart of old l'Acadie in what is now known as the Annapolis Valley of Nova Scotia.

If my memory serves me correctly, I believe that Senator Carstairs' ancestors, the Martels, also resided in that part of the country.

Working together, our early Acadian ancestors developed a love of the land and the sea that they passed on through the generations to us.

Senator Perrault is never at a loss for good conversation and his interests are varied. They include sports, in particular hockey. That may have to do with the Belliveau gene that he carries. In random order, his interests also include art, dogs, politics and fisheries. His love of the great outdoors is evident in the countless photos that he has taken on his travels. Ray is never seen without his camera.

Senator Perrault and I were part of a Canadian inter-parliamentary delegation that travelled to Malaysia several years ago for a meeting of ASEAN parliamentarians. The tradition at such meetings in Asian countries is that at the closing banquet each country's delegation sings karaoke. I am told that former external affairs minister Lloyd Axworthy dreaded this custom. Our group included our capable leader, Senator Finestone, the late Shaughnessy Cohen, and Barbara Reynolds, advisor to the group. We were a small group compared to the much larger Asian delegations. However, for crown and country, our small delegation did its best, and we found hidden talents in our own Senator Perrault.

Although shopping is not one of Senator Perrault's great talents, he and I dutifully found a market that sold formal Malaysian shirts — a pyjama-type, colourful, loose-fitting garment that we were expected to wear for our performance. Unfortunately, we did not bring Senator Finestone with us as a wardrobe consultant. The shirts, which we bought and wore at the banquet, mysteriously disappeared upon our arrival home, but that is another story.

Even though his taste in Malaysian clothing may not shine, Ray's musical talents did. He composed a song to the tune of *This Land is Your Land*, changing the words to “This world is our world,” and he went on to glory from there. In his fabulous bass voice, in front of an audience of about 250 people who, fortunately, drowned out our feeble attempts to sing along, Senator Perrault, without even the benefit of a microphone, sounded wonderful.

Senator Perrault was very helpful to the Senate Fisheries Committee when we recently travelled to the Far North, to which I believe the committee had never previously travelled, and to many coastal communities in British Columbia, where we had not been in some years. Witness after witness spoke warmly of his strong voice on their behalf and welcomed him as an old friend.

Senator Perrault was always willing to give advice and guidance to other members of the committee in what are sometimes very complicated fisheries issues.

You have been a good teacher to many of us, Ray.

The Senate Fisheries Committee, of which Senator Perrault has been a loyal member, will miss him very much. He fully understands that the mandate of the Fisheries Committee is much more than just studying fish. He taught us that the fisheries issue has to do with people, their problems, and how the fisheries can make coastal communities much better. He taught us about the importance of the environment, the necessity to care for it, and the importance of ensuring that Ottawa-based bureaucrats not take over this important resource. Most important, Senator Perrault worked to protect this precious resource for generations to come.

Honourable senators, Senator Perrault has served his province and his country with great dignity, pride and honour.

Senator Perrault, you have worked very hard. Your colleagues in the Senate, as well as the Senate staff, will miss you.

Thank you, Ray, for everything you have done. On behalf of all honourable senators, I wish you and your wife, Barbara, a good retirement and many years of good health and happiness.

Hon. Jack Austin: Honourable senators, paying tribute to Senator Perrault, my political colleague and friend for 43 years, is bittersweet. It is bitter because I hate to see him leave the Senate; it is sweet because it gives me and this chamber the opportunity to recognize publicly the many successes and accomplishments of Senator Perrault in an unparalleled career of service to Canada, British Columbia and this chamber.

Honourable senators, I met Senator Perrault — or Ray, as he then was — in the darkest days of the Liberal Party in Canada and even darker days, if you can imagine, for the provincial Liberal Party in British Columbia. The year was 1958. The Right Honourable John Diefenbaker had just won an enormous victory to form a majority government in Ottawa. At the same time, Premier W.A.C. Bennett had earned a sizeable majority in the provincial legislature and reduced the Liberals there to a handful.

In 1958, Ray was executive director for the Liberal Party, which was one organization for federal and provincial politics at that time. Seeing the great opportunity that lay ahead, or perhaps it was with the reckless courage of the charge of the Light Brigade, Ray decided to run for the provincial leadership in 1959. I had joined the Liberal Party in 1958 and, admiring Ray's political courage, or judgment — I have never been sure which — I supported him in a successful campaign to succeed the Honourable Arthur Laing as provincial leader.

Frightened of this new player on the provincial scene — in my view, at least — Premier Bennett called an election in 1960. "Ray the Brave" became "Ray the Successful," winning his North Vancouver seat against the Social Credit minister of agriculture and the Conservative Party leader and keeping it until his resignation to run federally in 1968.

For the federal Liberal Party, 1968 was a vintage year. The Trudeau era was beginning, but even for "Ray the Brave" the

challenge of winning a federal seat in North Vancouver-Burnaby must have looked daunting. The incumbent was, as Senator Carstairs has said, the famous Tommy Douglas, former NDP premier of Saskatchewan and leader of the federal NDP group in the House of Commons. Tom Kent, Prime Minister Pearson's senior policy advisor, had broken his sword in an attempt to beat Tommy Douglas in 1965.

In commenting on Ray's candidacy, Mr. Douglas told the public that he was out to "get grizzlies, not jackrabbits." Sorry, jackrabbit! Ray won by a landslide of just over 200 votes.

In training for his later cabinet career, Prime Minister Trudeau put Ray in a hard school — parliamentary secretary to the Honourable Bryce Mackasey, minister of labour and later minister of manpower and immigration. In 1972, the Liberal tide receded somewhat and Ray's 200-vote victory turned into a 200-vote loss.

Not wanting to lose Ray's talents and contribution, the Prime Minister elevated Ray to the Senate in 1973. In 1974, Ray Perrault, MP as he then was, and I as deputy minister of energy, mines and resources accompanied the Honourable Jean-Luc Pepin, minister of industry, trade and commerce to China.

● (1440)

We were part of the first official exchange of visits after the diplomatic relationship had been established in October, 1970. I doubt either of us will forget visiting China in the middle of the Cultural Revolution or the talks between Premier Zhou Enlai and the Honourable Jean-Luc Pepin during which Premier Zhou spoke in excellent French.

The federal election in 1974 brought Mr. Trudeau's third mandate and with it Senator Perrault as Government Leader in the Senate to assist in representation in the cabinet for British Columbia, which had been reduced in the other place to only four members. Senator Perrault served as government leader for five years, until the 1979 federal election, then served a brief term as opposition leader, not one he tells me he particularly enjoyed, and then — happy day — government leader again in 1980.

From 1981 to 1983, he held the portfolio of Minister of State for Fitness and Amateur Sport.

One area of Senator Perrault's life, well known in British Columbia if not here, involves a lifetime passion for both professional and amateur sport that rivals in intensity his passion for the Liberal Party and his home province of British Columbia.

When Ray Perrault acted as B.C. car driver for the Right Honourable Lester Pearson in the 1958 federal election, they talked baseball and the Liberal Party in equal measure. Impressed, Mr. Pearson invited Ray to join his official opposition staff. As we know, Ray opted for the provincial leadership.

In his sports career, Senator Perrault spent 10 years on the board of the Vancouver Canucks NHL team, several years on the board of the B.C. Lions CFL team, and nearly forever as president — and now honorary chairman — of the Vancouver Canadians Triple A baseball club.

The combination of politics and sports was a natural. Senator Perrault shared Prime Minister Pearson's passion for sports and the realization that Canadians who love sports would trust politicians who did likewise.

While Senator Perrault took as many risks as anyone could in politics, he took no risks in marrying Barbara in 1962. She married a career politician, and worked and supported him every step of the way. She had such a strong affinity for politics herself that she has won four elections over 12 years as a municipal councillor for North Vancouver. You can see they have made a great team.

Senator Perrault's contribution to Canada stands high. He is easily the best known and best liked politician in British Columbia. He has travelled everywhere in that province and spoken to nearly every person at one time or another.

His political life has stood for integrity and the strongest personal moral standards. He has been a role model for everyone in political life.

Senator Ray and Barbara, many thanks for your work and contributions. Keep up the good work.

Hon. B. Alasdair Graham: Honourable senators, as we gather in this new Parliament, we do so in a new dawn of hope and promise. We gather in this historic chamber with a wealth of talent and the confidence that there are no limits to the power of people to make change happen. In our own individual ways, we are all assembled in the Senate of Canada to make a difference. Today we say goodbye to another one of our colleagues who has spent a lengthy career in public life doing just that.

Senator Ray Perrault, over four decades in public life, has brought a dynamic style and energetic spirit of conviction to the service of his province and his country. Always a conscientious and trusted colleague, always a man who put matters of conscience and the interests of people first, Ray Perrault has never failed to fight for what was right.

Someone once said that the perfect political mentality can be compared to the persona of a winning football coach. The combination of the will to win, with the belief that the game is important, is as much the key to success on the playing field as it is in political life.

As someone who has often sought his counsel and enjoyed his friendship and his leadership, I can say that Ray Perrault always had that winning combination.

Others before me, including the leader and Senator Austin, have well enunciated his many offices, both here and in British Columbia.

Senator Perrault is one of the most eloquent speakers ever to grace this chamber. As Senator Comeau indicated, whether singing or speaking, he does not need a sound system. He can speak on any subject, without notice, at any time, and for any length of time. There have been many occasions when, on this side, we would need a speaker at the last minute. Inevitably, Ray won the draw. All he would ask was, "How long?" Just wind him up and let him go.

Senator Perrault also possesses, in my opinion, the greatest of all virtues, which is sometimes found in short supply in some legislative assemblies around the world, and that is modesty. I recall when Ray was first asked by Prime Minister Trudeau to take on the onerous challenge of Leader of the Government in the Senate. It was shortly after the election of 1974. Mr. Trudeau was having a small dinner at 24 Sussex to mark the occasion. Our former colleague Keith Davey and I arrived in the same taxi. Ray was walking up and down all by himself outside the residence, head down, deep in thought, hands plunged to the bottom of his pockets. "Congratulations, Ray," we both shouted as we got out of the cab, to which he gave us a little grin and a polite nod and said, "One of you guys should really have gotten the job."

I have been wondering to this day: Did you really mean that, Ray?

Keith Davey always made it clear that he was not interested in a cabinet position. I, of course, was too young and far too naive to have such lofty ambitions. That was in 1974. The passage of time proves that whatever road you travel, it inevitably has many unpredictable twists and turns.

Robert Kennedy once said that moral courage is a rarer commodity than bravery in battle. In Ray Perrault's outstanding presence in this chamber, moral courage has always been his *raison d'être*, the engine of his commitment to public service.

That is the principal reason why, in the dawn of this new Parliament, Senator Perrault's outstanding career stands as a model to all of us who really love this place.

We know, too, that Ray and his wife, Barbara, have contributed mightily to their respective successes together.

To you, Ray, and to Barbara, we wish a very fond farewell. We will sure miss you around this chamber and in these halls.

Good health, much happiness, many, many thanks, and God bless.

Hon. Gerry St. Germain: Honourable senators, it gives me pleasure to say a few words about Raymond Perrault.

[Translation]

Senator Perrault often spoke to me of his family, particularly his cousins, the St. Germaines. Are we really cousins? What do you think, honourable senators?

[English]

• (1450)

We have always said in jest that, possibly, Ray Perrault and I are related because of the fact that his family saw the wisdom of marrying into the St. Germain clan.

Most of what I wanted to say has been said by others who have served with the honourable senator. There is no question of his greatness as a Canadian and as a British Columbian. I have lived in British Columbia since 1953. I know the work, the commitment and the dedication that Ray Perrault has shown our province.

He fought many causes in the B.C. legislature where he was leader of the Liberal Party. He followed men like the great Gordon Gibson who also made great contributions to the province of British Columbia when he was leader of the Liberal Party. It was only fitting that a man of Ray's stature would follow someone like Gordon Gibson.

Ray, as I stand here today as a one-member party in the Senate, I know what loneliness is. I never really realized the loneliness you must have experienced at times in the B.C. legislature. However, as has been pointed out, you always made your voice heard. It was often compared in jest, of course, to the sound of a ship entering Vancouver Harbour. Believe me, honourable senators, it was an effective voice for the people of British Columbia.

I hope that I can emulate in some small way the great contributions Senator Perrault has made to British Columbia. He always fought for British Columbians while maintaining the party line, and at times he had to do it by looking sideways, giving some of us encouragement as we fought against some of the legislation that was not washing well with British Columbians.

You will be missed, Ray. As we go forward, we must face the problems of western Canadian alienation. I am sure you will continue to fight for the interests of Western Canada, as you often did in the past in your diplomatic but effective way.

It is true that you married a fine young lady by the name of Barb Walker from the city of Mission, which I was honoured to represent as a member of Parliament. Barb and her family are known to many of my friends.

Barb, we thank you for the contribution that you have made to the province and to the community in which you live. I am proud to have been able to serve the constituency from which you came.

In 1983, I was elected a member of Parliament. Ray, the only thing I can say about you is that since that time you have been one of the nicest people with whom I have had to travel back and forth across this country. My tribute to you, Ray, is that you are a decent and nice man.

Hon. Ross Fitzpatrick: Honourable senators, as Senator Austin has just said, it is curious how occasions such as this can summon up two entirely contrasting emotions. On the one hand, I am sad to see the departure from this chamber and from public life of one of Canada's most willing servants. On the other hand, looking back at the career of Ray Perrault, I am very happy to have served with him. Both these emotions, happy and sad, I am sure are shared by members on both sides of this chamber without distinction of partisanship or political philosophy.

We are here because we desire to be of use to our country and to our fellow citizens. Many of us have come here after careers in private life during which we lent our efforts, from time to time, to the political process. However, there are others of us who have devoted their entire lives to public service, who have never asked anything more than an opportunity to contribute to the best of their ability to the well-being of this unique and precious place we call Canada. Ray Perrault is one of those lifelong contributors. Our country is in his debt and we in this chamber will be poorer for his departure. On that, I think we can all agree.

Honourable senators, I would surely be remiss if I did not take notice of the fact that our honourable colleague chose to focus his contribution through the Liberal Party of Canada. It was through the Liberal Party that I first came to know the man who would become my friend and colleague, which I believe was in 1958 when I was a student at the University of British Columbia. Ray was in his early thirties, not yet the polished, extemporaneous speaker he eventually became. I noted that even then he had a certain gift for the phrase and a knack for striking the exact tone to enliven a roomful of Liberals. It was an ability that would be frequently called upon in the years to come, when Ray won the leadership of the Liberal Party of British Columbia.

For years, he was ground between the twin millstones of the provincial NDP and W.A.C. Bennett's Social Credit Party. However, Ray Perrault strove to preserve our party, serving three successive terms in the British Columbia legislature, ensuring that the Liberal perspective remained a vital component of our own province's political life.

His departure from provincial politics to seek a federal seat in 1968 brought him to the electoral fight of his life. He went up against one of the giants of Canadian politics, Tommy Douglas, in a riding that had voted NDP since time out of mind, and he won.

In October 1973, he was named to the Senate of Canada. Within a year, he was appointed Leader of the Government in this chamber. He served with energy and distinction until the end of that government's mandate and was ready to take up those responsibilities again in 1980.

Honourable senators, Ray Perrault's life has been a map of accomplishment, all of it devoted to the public good. We have all been enriched by his presence among us. Though we do not begrudge him his well-earned rest, I know there will be days to come when many of us here will wish to hear him add a few words to the debates of this chamber.

Though his official duties will have been completed, I know that, from time to time, when I am in some gathering back home in British Columbia, I will see my old friend rise. I will hear him begin with the same two words that are his invariable opening whenever he speaks to the members of our party. He will say, "Fellow Liberals..." and I will feel just as included in his warm regard as I did when I first heard him say those words more than 40 years ago.

I beg honourable senators to allow me to speak directly to my departing friend and colleague so that I might say: Fellow Liberal, it has been an honour to have served with you. May the years be long and well-filled, with rewards for both you and your wife, Barbara, rewards which you have so deservedly earned.

Hon. Joyce Fairbairn: Honourable senators, having listened to the remarks of farewell to Senator Ray Perrault, I have to say that, in the almost 17 years that I have been here, I cannot remember such genuine fondness being expressed in the kindest of terms from senators on both sides of the house. In itself, that is, perhaps, the highest tribute you could take home with you, Senator Perrault.

I join with all my colleagues in a sense of very real sadness. I have been dreading the day that I would say farewell to you. You have been a friend, a real pal, a seatmate for many years, and a colleague of true distinction.

As others have said, there are two words that describe the length and the breadth of this great career. Those words are "public service," and they are meant in the finest way possible.

● (1500)

Senator Perrault has been a bit of a daredevil, as those from British Columbia know best. This goes back to 1959, when he chose politics as his particular route for public service and had the honour — and I am quite sure a searing experience — to serve as leader of the Liberal Party of British Columbia in the legislature, and then in 1968 came down to Ottawa and the House of Commons.

Senator Perrault then moved on to this chamber in 1974 and took on eight long years as leader of both the government and, for a short period, the opposition, then the government again, here in the Senate. Those were at times rollicking and at other times extremely difficult years for a person holding that responsibility. He ended his time in the cabinet fittingly, as the minister of fitness and amateur sport.

With this background, it is not surprising that Senator Perrault was proud to be known as a very dedicated partisan — in fact, a fierce partisan in the political world. My B.C. colleagues may correct me, but I doubt that anyone can challenge his record of covering just about every square inch of British Columbia, from top to bottom and all around, to carry his message constantly and passionately.

Having said all of that, at the same time, Senator Perrault used this career to connect. The basis of his political and public life was to connect in a personal way with individuals, their problems and their hopes, all along that lengthy trail. There is no doubt at all in my heart where his heart lies, and it is not in the upper echelons of power, privilege and perks. It is with people on the ground, who are making the best possible effort to contribute to their families, to their communities, to their province and to the country that our colleague has served with such strength and affection.

Honourable senators, Ray Perrault has used this chamber and its committees to reflect the concerns and the aspirations of those British Columbians whom he has represented for so long. I have no doubt he will continue to represent them in many ways as he leaves this place. Here in the Senate, whether it has been committees on fisheries, post-secondary education, transportation and communications, euthanasia and assisted suicide, or banking, trade and commerce, he has been there both to enhance our understanding of these issues and always to carry the views of British Columbians.

Right from the beginning, as Senator Austin said, Senator Perrault has also maintained an active interest in foreign affairs. He has served extensively on missions abroad, both as a government representative and with a variety of parliamentary delegations.

In terms of our own relationship, I first met Ray Perrault when I was a young member of the parliamentary press gallery back in the early 1960s. Among the newspapers for which I wrote were the *Vancouver Sun* and the *Victoria Times Colonist*, in which, as a good member of Parliament, he had a special interest. He was a true dream for a journalist. He always had something to say at length. He never refused an interview and he always returned phone calls, which is something that many in current political life do not do. I always gave him a gold star for that.

We stayed in touch later when I was working with former prime minister Trudeau. Many things I did for him were exclusively centred around Parliament, the House of Commons and the Senate. At that time, there were no strong, regular, intricate ties between the two chambers. In fact, there were often remarkable blockages. Senator Perrault, however, because he is who he is, took a different attitude. That is when he and I became friends. I was the conduit for a constant connection between he and the prime minister, and I believe that signalled a different way, within our party, of having a regular and meaningful relationship between the two chambers. I credit Senator Perrault's patience and good humour for keeping that relationship alive because it certainly helped out in some difficult times.

When I came to the Senate 17 years ago, Senator Perrault was one of the first to offer me a welcoming hand.

Ray, I have never forgotten that.

I am particularly grateful for the advice and support that he gave to me in the years when I served as government leader in this chamber, during what I thought was a rather challenging minority period with vigorous interest from my friends and colleagues on the other side. It was pretty nice to have a rock like Senator Perrault to lean on at that time.

We also share a love of sports, particularly baseball. The senator has toiled on bravely all these years to try and bring a major league team to Vancouver. I should like to wish him well. Keep on fighting. The job is not over yet and hope still remains alive.

Senator Perrault: Hear, hear!

Senator Fairbairn: As he is leaving this place, honourable senators, I have many memories of Senator Perrault. Much has been made of the volume that he maintains sometimes when he is speaking, and it really is quite extraordinary. Senator St. Germain used a foghorn comparison. I can remember listening in amazement to him in the House of Commons. His colleagues would listen in awe and joy when he fired up, and those on the other side would quake as they became targets of his rhetoric.

One point has not been mentioned. Ray's enthusiasm did not stop. He is full of joy for political life. In terms of enthusiasm, it was said that as a member of Parliament, Ray Perrault pounded his way through more desktops in support of his colleagues than anyone else in the history of the House of Commons.

Personally, though, my memory will always be of Ray's kindness, of his humour, of his generosity and of his loyalty to those whom he has tried to help throughout a wonderful life. His enthusiasm for public service is not lost on his wife, Barbara, who continues a remarkable career as a city councillor for North Vancouver. She told me yesterday after the opening of Parliament that because her partner is who he is, she is guaranteed to have the best campaign manager in the business. May she keep on winning and may the manager keep on doing his job. I wish them both many more years of happiness with their family and with their beloved dog, Kaleigh, of whom I am an honorary aunt.

• (1510)

I know that, in one way or another, Senator Perrault will maintain his interest in the people he has always served and in the country he loves so much. I will miss him.

Thank you so much, Ray. The Senate will miss you.

Hon. Lowell Murray: Honourable senators, I had not intended to intervene in these tributes, knowing that there would be so many of them from British Columbia and from the government side of the house. I now do so only because Senator Doody insisted that one of us had to speak.

Senator Doody and I are the only members on this side of the house who were here in the days when Senator Perrault was a minister of the Crown in the Trudeau government. As a matter of

fact, our memories go back even beyond that, to the period in 1979-1980 when Senator Perrault was Leader of the Opposition in this place.

Senator Perrault was a remarkably placid, even passive, Leader of the Opposition in those days. I came to the conclusion that he was so surprised in 1979 to find himself on the opposition side of the house that it rendered him speechless, if you can believe that.

He certainly recovered his voice in the period 1984-93 when he was back on the opposition side. He was relentlessly on the attack against the Mulroney government and its unfortunate leader in this place.

I recall one occasion on which he telephoned me about a bill that was making, shall we say, slow progress through the Senate. He said, "I am calling you Privy Councillor-to-Privy Councillor." This was heady stuff. I knew that I must listen up. "What are you going to do about that bill," he asked. I confided in him the modest, even feckless, strategy that Senator Doody and I had worked out, more in hope than in expectation, for the bill. We discussed it for a while and Senator Perrault rang off, I thought quite satisfied and on good terms.

Needless to say, the next day I expected some reciprocal gesture from the opposition side of the house. Imagine my consternation when Senator Perrault rose to denounce the bill, the government, and me, in that order.

On another occasion he excoriated me and the government for days on end for having dealt in such an unjust manner with poor Ben Johnson — the runner, not the poet. He accused us of having been complicit in a kangaroo court that had tried and convicted poor Ben Johnson in the absence of any evidence, and on and on and on. I was so infuriated by this attack that I seriously contemplated sending to Senator Perrault not only the results of the urine test on which the decision was based but the raw material on which it was based as well.

It was very difficult to stay cross at Senator Perrault. The other day I heard Bill Clinton on television referring to someone as "a person with a good heart." That can be said fully of our friend Senator Perrault. He has been a good person to deal with. He has always been a sound judge of public opinion in British Columbia. We will miss him around here. I wish him good health and good fortune in the days ahead.

Hon. Jean-Robert Gauthier: Honourable senators, it may surprise you to hear me speaking about Senator Perrault. I recall that in 1976 he was the minister responsible for a delegation of parliamentarians to a UN conference in Mar del Plata, Argentina. Provincial ministers from Canada were present at the conference. The separatists had just been elected in Quebec and Minister Léger from that province asked me whether Minister Perrault spoke French. I said, "Of course, his name is Perrault." He said that he had been told that he did not speak French. I said that he had been misinformed, although I did not know what I was talking about.

Knowing that I was caught, I went to see Ray and said, "I am sorry, I may have got you into some difficulty. I told Léger and his delegation that you speak French." He said, "I will." I said, "How will you do that?" He responded, "You will do it for me. Have you ever heard of phonetics?"

With the assistance of my wife, who was a translator, we translated into phonetics the entire speech that he was going to give to the UN conference. The next day, Ray rose before the assembly and delivered his speech. He made not one mistake. I think Ray was as surprised at the result as the rest of us.

Senator Perrault is a very good ambassador for Pacific smoked salmon. On one occasion he had some in his luggage, which became lost in New York. You can imagine what happened to the clothes in that luggage after it had spent two weeks in 30-degree temperatures in a warehouse.

I have appreciated Senator Perrault's contribution to this country. He is a great friend.

Goodbye and God bless.

Hon. Nicholas W. Taylor: Honourable senators, I had intended not to speak on this occasion because I knew that there would be many others wishing to do so. However, Ray and I have a long history together in the western provinces.

I recall Ray coming to talk to us Alberta Liberals in the 1960s. At that time, I was promoting something we called "people's capitalism." Ray and I were both from social credit provinces. As a matter of fact, I think those are still the only two provinces in Canada where they feed the lions to the Christians, rather than the other way around.

Ray was the sole Liberal member of the legislature in B.C. The speaker once accused him of having a foghorn voice. I was the only member of my party in our legislature for a while, and when you are surrounded by 60 to 70 howling government members you need to develop a good voice because every time you pull their chain they all come after you. That is where Ray learned how to get the speaker's attention and how to silence a pack of ravenous wolves, a talent which comes in very handy.

I have a few stories that I could tell about Ray but time does not allow.

I wish Ray the best of health and a long and interesting retirement.

• (1520)

Hon. Jeremiah S. Grafstein: Honourable senators, I would be remiss as a Liberal from the most populous province of Canada, Ontario, and the most populous city, Toronto, if I did not add some words of tribute to Ray, because Ray has such a reverence for both Ontario and Toronto.

Ray's career has always reminded me of the movie, *The Loneliness of the Long Distance Runner*. I shall not repeat the accolades so eloquently made by our colleagues on both

sides. I first met Ray in the early 1960s when I travelled as a young Liberal representative to British Columbia and Ray was one of the first people in the group that I met.

Three singular attributes struck me then and they remain with him to the present day. The first is Ray's voice. You will hear it in a few moments. It is a voice that you will never and can never forget. His signature has always been his voice. When Ray leaves this chamber we will lose I believe the best voice in the Senate.

The second attribute is Ray's joy of politics. I remember in the early 1960s and 1970s the man in the United States who best exemplified the joy of politics, who had a great voice and was a great speaker, Hubert Humphrey. He could speak endlessly on any topic at any time in a wonderful way. He had a marvelous voice that one could never forget. He was a small-L liberal. For me, Ray had all of those attributes in abundance.

Finally, honourable senators, we will all miss Ray's modest demeanour. The word "honourable" is a rich, wonderful-sounding word. I cannot think of another senator who so exemplifies the words "honourable senator."

Ray, we will miss you. As the Bible says, "Go from strength to strength," with your lovely wife, Barbara.

Hon. Raymond J. Perrault: Honourable senators, I am sorry that I have laryngitis — suddenly, my voice has come back!

Colleagues, friends, fellow Canadians, wherever you sit in this chamber, I am deeply moved by the tributes that you have paid to me, undeservedly, this afternoon because so much of what you have done contributes to the careers of every one of us in the chamber.

The day has almost arrived when I will have served my time. I think it is February 6. I have been searching assiduously for a certificate which will prove that I am younger than I actually am. I regret my failure in the search; I have not been able to locate it.

When I was Leader of the Government in the Senate, I had a senator come to me who said, "Ray, miracle of miracles," I said, "What is the miracle?" He replied, "The nursemaid who helped usher me into the world is living. She came to see me the other day and she says that I am two years younger than the official documents show, and she has a wonderful, lucid memory." Well, I thought this might be a precedent for me, but it is not.

It has been a wonderful experience hearing anecdotes from the past and listening to the information about other parties and by other politicians. I became involved in politics when I was about 7 years of age. My grandfather, George — who fell off a ladder at the age of 92 when he was attempting to paint the house and thereupon died — it was a good way to go, I think — took over my political education upon the death of my father when I was eight. George had two passions: One was baseball and the other was politics. He would take me to a baseball game and then we would go to a rally with Mackenzie King. I will never forget Mackenzie King's dry voice. It just crackled. My grandfather listened in awe to him, and he was not an awesome orator, was he?

In any case, I became involved at that time, just as many of you were involved at a similar age, and would run messages for election campaigns. When I reached my early twenties I joined the Liberal Party. My grandmother was a Tory and my grandfather was a Liberal; they never got along well at election time. Both stopped voting when they made a pact that if one refrained from voting, the other would as well. That is how that situation was resolved.

The first meeting of politics that I attended was, as I mentioned, a meeting with Mackenzie King. My experience in my party has been fabulous, just as it has been for you, when I think of all the great leaders who have served this country, and I can go back to Mackenzie King and Louis St. Laurent.

Let me tell you how I first came to know Lester Pearson, who was, as you know, an avid sports fan. I had come to Ottawa to deliver a speech to the National Young Liberals convention. Mike Pearson called me on the morning of the game. He said, "Ray, I do not want to offend you, but the Ottawa team is playing this afternoon. It is a critical game. I promised to come to listen to your speech, but I am pleading with you, is there some way we can work it out so that I can see the game and then listen to part of your speech?" I said, "Mr. Pearson, if I had known there was a football game on, I would never have accepted this speaking invitation." He said, "This is what I have in mind. Can we work out an agreement? I will have a taxi cab available, if you can keep your speech short." I said, "That has always been a problem with me." He said, "You get to that car as quickly as possible. We will go up to Lansdowne Park and we will see the game." We did. It was the shortest speech on record, as far as I am concerned. I got the cab out to Lansdowne Park and got properly seated. At halftime, a chap came up to us, a little the worse for wear, and said to Mr. Pearson, "Say, buddy, haven't I seen you around some place?" His wife said, "Clarence, that is the Prime Minister and that is an insulting thing for you to do?" That was a great game and a great experience.

I will never forget Mike Pearson when we were driving to a political meeting on the lower mainland. I was driving and listening to the conversation in the back seat. He was talking to Senator Syd Smith. He said that in the First World War, a day after one of the major battles, I believe it was near the Somme, he looked at the battlefield and there were hundreds of dead from both sides. They were Canadians and Germans and many others. He said that he said to himself then that mankind was created for something much better than this. Even in those days, it was Mike Pearson who was interested in peacekeeping and in building a better country and a better world.

The political system as I have observed it down through years needs still further reform. The potential for change in this chamber is enormous. What I would like to see as a westerner — and I know the matter of alienation is before the minds of all of us — is near or near-equal representation of the provinces in the Senate of Canada. I think we need that. It is vital. If people think this is not possible to achieve because of constitutional difficulties, at least there should be a public statement to the

effect that this is a goal that will be achieved as quickly as possible.

There is a sense of alienation in Western Canada. We have to do something about it and we have to work at it. We have to tackle alienation, too, in other parts of the country. That is why I believe it to be essential, as one of the first reform measures, to establish a Senate committee on regional aspirations. It should spend most of its time in the field, not here in Ottawa, travel into the regions of Canada and talk to the people on a human level about such topics as the difficulty in getting jobs and how to attract new industry to make an economic area viable.

• (1530)

It seems to me this would be a marvellous thing to do. I suggested it many years ago when I was leader of the government in the Senate. To be frank, honourable senators, I was opposed by some members of cabinet who took the view that they did not want a group of snoopy senators to come into their ridings and criticize that which may be underway.

There are many ideas, and they are not all just Liberal ideas. We have had many outstanding leaders in this chamber and in the other place. They were respected, able, conscientious and dedicated people of all persuasions, including John Diefenbaker.

I will never forget John Diefenbaker when I first came to Ottawa. I met him at the cash register in the restaurant one day. I do not know how we got talking about it, but some of his ancestors came from the same area as some of my ancestors. I recall the afternoon I received a telephone call from the Liberal organization in Ottawa and was told, "We have a great speaking opportunity for you, Ray. This is a real opportunity for you." I asked where it would be. I was told that a guest speaker was needed by the Prince Albert Liberal Association annual meeting. I replied, "Do they — that's real Diefenbaker territory?" The man at the other end of the phone said, "Listen, this is a career-maker for you. The old man's in trouble, you know. You get in there and you speak." I asked how many people would be there and was told, "I is Saturday afternoon. There will be at least 300 people. They take their politics seriously down there. They even bring lunch." I knew that there was trouble when, in about two weeks, I received another call asking about that meeting "you offered to come to." I asked how many people would be there and was told that there would be at least 200. I said, "You said 300 people last time." The reply came back, "Well, we have some competition." The following week, I received another phone call in which I was asked if I was still coming down to the meeting. I said, "Yes. How many people will be there?" The answer this time was, "Well, about 100."

I was picked up the evening of the meeting at the bus station and told by the chap who picked me up, "This is not the best time you could have chosen to speak. There is bingo on and a brier curling tournament." I said, "Really. You chose the date, I didn't." I went into the hall and there, at the annual meeting of the Prince Albert Liberal Association, were six people.

I met Mr. Diefenbaker two days later. He said, "I understand you have been speaking in my constituency." I said, "Mr. Diefenbaker, that is absolutely correct, and you are in no trouble." He said, "I heard that the attendance was not what you might have wished." I said, "That is right, Mr. Diefenbaker." He replied, "You know they all vote for me up there, even the Brits. Even those who I have defended unsuccessfully in the courts have assured me that they will vote for me when they are released."

Honourable senators, all sorts of great people in Canada have made a huge contribution to the building of this country, and they did it as representatives of many parties. I ran against Tommy Douglas. It was a "landslide" victory of less than 100 votes. The tide was with us on that occasion.

Public life has given me so much in the way of opportunities. I have had the chance to observe a world in agony. Some 15,000 youngsters have died, and others are dying today, mostly because of polluted water.

Here we are, honourable senators, the fortunate Canadians. Every one of the leading philosophies of the world emphasizes that if one has been given certain treasures, one is required to pay back. We Canadians have a great responsibility in this world. We are respected throughout the world and have such an opportunity to assist in great initiatives. Of those who have received much, much shall be required.

Some honourable senators visited the United Nations a few months ago. There, they were told that Canadians are by far the best peacemakers the world has ever seen. That is the kind of reputation that should inspire Canadians in all of our nation's regions.

I know that what I am about to say might be considered controversial. However, I would take the paintings that we see hanging on the walls of this chamber and move them to a splendid national war museum of the kind there is in Canberra, Australia. We could then have a tribute to peacekeeping somewhere in this chamber. Many people will say that this might offend veterans, but I do not think it will at all. There are so many things we can build in order to do better things.

Another fact of public life is that it offers the opportunity to meet those in other parties in every province and territory. There are useful initiatives in many areas. I remember the wild days of the GST. Thankfully parliamentary decorum has improved. We have achieved a new civility in this chamber, and I hail it because it helps to get things done.

The Senate will never be treated warmly by the media. We must realize that, on slow days, it is easy for the Senate to be attacked. Some honourable senators may recall that during the GST debate, that a 75-millimetre cannon could have been fired through this press gallery and not hit anyone because most of the press did not bother coming to the Senate. The Senate has a marvellous opportunity for initiatives that will help people.

Is there need out there? Many people say that Canada is doing very well; yet, there are communities in Canada where some

homeless families keep all their earthly possessions in a grocery cart. This is true in many communities, not just in one part of Canada or the other.

In my view, honourable senators, the resources of the Senate could help to eliminate many of these problems. It always amuses me to hear people talk about the do-nothing Senate.

Honourable senators may remember the great senators who have served here in this place. Senator Croll was one of them. This was the only chamber in Canada to take on the study of poverty, senior citizens and the legal system. The Senate of Canada has always had an excellent conscience about its work and the subjects it chooses to study and report upon.

I wish to thank everyone here, especially those honourable senators who have made such generous and undeserved tributes to me. It has been a pleasure working with you. I have enjoyed it thoroughly. This is a chamber with enormous potential in growth and new initiatives.

Honourable senators, I thank you for everything. If you ever need any advice, suggestions or ideas, please give me a call.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

INTERNATIONAL YEAR OF THE VOLUNTEER

Hon. Sheila Finestone: Honourable senators, the United Nations General Assembly has designated 2001 the International Year of the Volunteer. A total of 123 countries have adopted the resolution and look forward to the opportunity to publicly express their thankfulness to all volunteers for their invaluable contribution.

In general terms, this activity is perceived as not carrying a financial reward, but as one containing elements of exchange and reciprocity. Above and beyond the general perception, I believe that the core characteristic of volunteer activity is the lack of coercion. Free will is, indeed, the main component, as well as the common identifier needed for a shared understanding of this activity.

When we look at Canada, we can see that our country holds a strong and well-proven tradition of volunteerism. Today, we count more than 7.5 million volunteers who give their time and talents to help some 175,000 charities and non-profit organizations around the country.

• (1540)

To celebrate the Year of the Volunteer, provincial and federal departments are working on a series of programs of encouragement, support and engagement. As we all know, the value of one is the power of many.

At this point, I could offer honourable senators thousands of examples of volunteerism, and I am sure you could add to them. Certainly I could point out how volunteering for election campaigns remains one of the highest expressions of democracy, as often the support of volunteers can help guarantee the best government to Canadians. We are perfectly obvious examples of that today.

However, I have chosen to focus on the philanthropic activity of an organization located both in Montreal and Toronto by the name of Mazon Canada. Founded in 1986, it distributes funds to food banks on a non-sectarian basis. Every year Montreal Mazon organizes the Kosher Food Fest, which this year drew 1,000 patrons and raised \$240,000. They have raised millions over the last few years.

I pay tribute to the tireless, dedicated and committed work of all the volunteers, and to one in particular who possesses the spirit, foresight and altruism to make Mazon's achievements truly exceptional. Her name is Dodo — Mrs. J.A. Lyone Heppner — and she has played a pivotal role in the volunteer sector, particularly in health services and in the recruitment and development of community leadership.

Honourable senators, just a few years ago the concept of the global village touched us all. We hoped that globalization would bring forth a more equitable world and that sustainable economies would improve the lives of many, alleviating hunger, illiteracy, poverty and disease.

Today we are still struggling to bring our dream into reality, with thousands of volunteers helping reinforce the notion that the human condition can indeed be improved, if not altogether changed. By so doing, volunteer men and women are responding not only to this call for help but to an inner desire and profound belief that go beyond necessity, circumstance, the acquisition of material possessions or worldly pursuits. Their act is an act of free will.

The Hon. the Speaker: Honourable Senator Finestone, I regret to advise you that your three minutes have expired.

THE SENATE

APPLICATION OF AMENDMENTS TO RULE 94

Hon. Jack Austin: Honourable senators, on October 19, 2000, the Senate adopted amendments to rule 94. At the outset of this new parliament, I thought it might be useful to say a few words about how I understand the Standing Committee on Privileges, Standing Rules and Orders intended these amendments to be applied.

Rule 65(4) and 94(1) have long prohibited senators from voting on matters or sitting on committees dealing with matters

in which they have a pecuniary interest. Traditionally this term has been narrowly construed. As the new House of Commons Procedure and Practice explains, "The pecuniary interest must be immediate and personal, and belong specifically to the person whose vote is contested." These rules remain in force.

The new rules 94(3) to 94(10) contain a broader concept. It is not just the issue of personal money interest but the public right to know what influences are at play or might be at play in the exercise of judgment by a Senate committee member. These new rules provide an opportunity for committees to have their members disclose private financial interests relevant to an order of reference. The new provisions expressly do not apply to public bills or to an amendment to the Constitution of Canada.

It is important to note that this disclosure is invoked by the individual committee when it considers it would be in the public interest to do so. Where invoked, senators will be asked to disclose the source and nature but not the value of their private financial interests. This is consistent with the public disclosure regimes of most Canadian legislatures.

It should also be noted that this regime of disclosure applies only to financial interests and not to other types of interests. It covers those held directly and indirectly, but, as I said in the Senate on October 17, "indirect" means that the senator has a vested beneficial ownership of interest, for example, through a private company. There is no obligation to disclose the interests of spouses or other family members under these rules unless an interest is held in common with the spouse or family member.

The committee, when it decides to invoke these provisions, should set a time frame for present and future members to file declarations. All members of the committee, including substitutes and *ex officio* members, will be required to comply with the order. In my opinion, it is open to a committee to restrict the disclosure to financial interests relevant to matters that are actually being studied rather than to the whole order of reference, which may be very broad.

The letters or declarations are to be filed with the clerk of the committee. The clerk is merely a repository for the information. No judgment is made with respect to its adequacy or sufficiency. It is up to individual senators to decide what private financial interests need to be disclosed. I would assume, however, that most senators would make their declarations on the basis of an abundance of caution.

The declarations and updates that are filed with the committee clerk will be available to the public. In my view, reasonable and timely requests for these documents can be met, although presumably the committee could direct otherwise.

It was the belief of the Rules Committee that it was important to have a system such as this. It establishes our willingness to be transparent and accountable and takes the Senate beyond anything that is currently in place in the House of Commons.

[Translation]

THE SENATE

PREPARATION OF CHAMBER FOR SPEECH FROM THE THRONE— CONGRATULATIONS TO STAFF

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would just like to point out the huge amount of work that has been done in recent days to prepare this Chamber for presentation of the Speech from the Throne.

This is an event of great interest in this country and elsewhere as well, judging by the number of distinguished visitors we had among us. To all the team of the Usher of the Black Rod and all the others who contributed to the success of this event I proffer my congratulations and thanks.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I and my colleagues in the opposition want to add our voices to the congratulations expressed by Senator Robichaud.

I also want to take this opportunity to congratulate my colleague from New Brunswick on his new mandate as Deputy Leader of the Government, as well as the Honourable the Speaker and the Government Leader on theirs.

[English]

ROUTINE PROCEEDINGS

MARINE LIABILITY BILL

FIRST READING

Hon. Fernand Robichaud presented Bill S-2, respecting marine liability, and to validate certain by-laws and regulations.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading later this day.

MOTOR VEHICLE TRANSPORT ACT, 1987

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud presented Bill S-3, to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading on Tuesday next, February 6, 2001.

[Translation]

FEDERAL LAW-CIVIL LAW HARMONIZATION BILL

FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-4, to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

Bill read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for Tuesday, February 6, 2001.

BLUE WATER BRIDGE AUTHORITY ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-5, to amend the Blue Water Bridge Authority Act.

Bill read the first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for Tuesday, February 6, 2001.

[English]

PUBLIC SERVICE WHISTLE-BLOWING BILL

FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) presented Bill S-6, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Senator Kinsella: Honourable senators, with leave, I move that Bill S-6 be placed on Orders of the Day for second reading later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and bill placed on the Orders of the Day for second reading later this day.

BROADCASTING ACT

BILL TO AMEND—FIRST READING

Hon. Sheila Finestone presented Bill S-7, to amend the Broadcasting Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Finestone, bill placed on the Orders of the Day for second reading two days hence.

BILL TO MAINTAIN THE PRINCIPLES RELATING TO THE ROLE OF THE SENATE AS ESTABLISHED BY THE CONSTITUTION OF CANADA

FIRST READING

Hon. Serge Joyal presented Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Joyal, bill placed on the Orders of the Day for second reading two days hence.

BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE

FIRST READING

Hon. Anne C. Cools presented Bill S-9, to remove certain doubts regarding the meaning of marriage.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on Orders of the Day for second reading Tuesday next.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Jerahmiel S. Grafstein presented Bill S-10, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

THE SENATE

NOTICE OF MOTION TO CHANGE RULES REGARDING STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Jean-Robert Gauthier: I give notice, pursuant to rule 57(1)(a), that, on Thursday next, February 8, 2001, I will move:

That rule 86(1) of the Rules of the Senate be amended:

1. by deleting paragraph (e);
2. by adding immediately after paragraph (q) the following new paragraph:

The Senate Committee on Official Languages, composed of seven members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages; and

3. by relettering the paragraphs accordingly.

That, notwithstanding rule 85(3), the Senate membership on the Standing Joint Committee on Official Languages lapse; and

That a message be sent to the House of Commons acquainting that House thereof.

• (1600)

REVIEW OF ANTI-DRUG POLICY

NOTICE OF MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE

Hon. Pierre Claude Nolin: Honourable senators, pursuant to rule 57(1)(d), I give notice that two days hence, I will move:

That a Special Committee of the Senate be appointed for a period of three years to thoroughly examine Canada's anti-drug legislation and policies, to carry out a broad consultation of the Canadian public, and finally, to make recommendations for a national strategy on illegal drugs developed by and for Canadians;

That the Committee, in pursuing this mandate, give particular importance to issues relating to cannabis and prepare an interim report on cannabis:

That without being limited in its mandate by the following, the committee be authorized to:

- review the federal government's policy on illegal drugs in Canada, its effectiveness, and the ways in which it is implemented and enforced;

- study public policy approaches adopted by other countries and determine if there are applications to Canada's needs;

- examine Canada's international role and obligations under United Nations conventions on narcotics and the Universal Declaration of Human Rights and other related treaties in order to determine whether these treaties authorise it to take action other than laying criminal charges and imposing sentences at the international level;

- examine the social and health effects of illegal drugs and explore the potential consequences and impacts of alternative policies;

- examine any other issue respecting Canada's anti-drug policy that the Committee considers appropriate to the completion of its mandate.

That the Special Committee be composed of five Senators and that three members constitute a quorum;

That the Honourable Senators Kenny, Molgat, Nolin, Rossiter and a fifth senator to be named by the Chief Government Whip be named to the Committee;

That the Committee have the power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers, briefs and evidence from day to day as may be ordered by the Committee;

That the briefs received and testimony heard during consideration of Bill C-8, An Act respecting the control of certain drugs, their precursors and other substances, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the Committee;

That the papers and evidence received and taken on the subject and the work accomplished by the Special Committee on Illegal Drugs during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee have the power to authorize television, radio and electronic broadcasting, as it deems appropriate, or any or all of its proceedings;

That the Committee be granted leave to sit when the Senate has been adjourned pursuant to subsection 95(2) of the *Rules of the Senate*; and

That the Committee submit its final report not later than three years from the date of its being constituted.

FRENCH-LANGUAGE BROADCASTING SERVICE

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Thursday next, February 8, 2001, I will call the attention of the Senate to the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

[English]

DEFERRED MAINTENANCE COSTS IN CANADIAN POST-SECONDARY INSTITUTIONS

NOTICE OF INQUIRY

Hon. Wilfred P. Moore: Honourable senators, I give notice that Tuesday next, February 6, 2001, I will call the attention of the Senate to the emerging issue of deferred maintenance costs in Canada's post-secondary institutions.

QUESTION PERIOD

THE SENATE

LEADER OF THE GOVERNMENT—REPRESENTATION OF VIEWS EXPRESSED IN CHAMBER TO CABINET

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we welcome the new minister in her position and wish her every good wish as she carries out the duties of that high responsibility. I have three questions that I should like to address to the government. First, to the minister, will she, unlike her predecessor, represent the views of this house to the government table, as well as bring from the government table its views to this house?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank Honourable Senator Kinsella for his question. Clearly, I see my role as representing both sides of this chamber in terms of bringing views expressed in this chamber, or to me privately, to the cabinet table. It is not quite so easy to bring information back from cabinet, unless of course it is public information. If it is cabinet information then it must stay at the cabinet table, as the honourable senator knows, and remain at the table in the discussions therein.

Senator Kinsella: Honourable senators, we thank the minister and welcome her declaration that the views that are expressed in this honourable house will be brought forward, and hopefully advanced and defended vigorously around the government table.

FOREIGN AFFAIRS

INDIA—AID TO EARTHQUAKE VICTIMS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, two tragedies befell neighbours of ours, one in this hemisphere and one in India. The one in this hemisphere was in El Salvador. I would like to commend the Government of Canada for the speedy response to the plight of the people of El Salvador when the earthquake struck. As honourable senators know, a minister of the Canadian government happened to be on the trembling ground in El Salvador when that tragedy occurred. I happened to be in Chile at the time, and was quite pleased to watch it reported on Chilean television that Canada was the first country to respond with concrete aid, money, and that the first Hercules to arrive with aid came from Canada. That made one proud to be in that part of the world and see the Canadian response.

My question relates to the other tragedy in India. Could the minister apprise this house as to the general policy of the government and any particular aid that the government is granting, giving or lending, to India?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the deputy leader for his question. Obviously these tragedies had enormous impact on the citizens of those two countries. Minister Minna, as Senator Kinsella indicated, was in El Salvador at the time of the earthquake, felt the tremors, and immediately alerted the department. Like Senator Kinsella, I was very proud that the first real foreign aid that arrived was from Canada.

In terms of the India tragedy, the day that this horrendous earthquake was announced, and I do not think we know the full extent of it even today, the government indicated it would be giving \$1 million. When it was realized within several days that the damage was far more extensive than was originally thought, the aid went up to \$3 million. At this time, the government is monitoring the situation carefully to see what else can be done by the people of Canada for the people of India, who have suffered so very much.

UNITED STATES—MISSILE DEFENCE SYSTEM PROPOSAL— GOVERNMENT POLICY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my final question to the minister relates to the proposal by the new administration of the Government of the United States to go forward with its national missile defence system program. I am wondering whether the minister would be able to advise this house of the grand lines of the policy of the Government of Canada with respect to the American administration's national missile defence system proposal?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. It has been clear since the days of the former Minister of Foreign Affairs, the Honourable Lloyd Axworthy, that our primary concern was whether China and Russia would think of this program as an escalation and, in fact, a violation of the terms of the treaties now in force and effect.

When Minister Manley went to Washington recently, he reiterated that if Russia did not see that proposal as a particular problem and China did not see it as a particular problem, then it would be given a second look.

• (1610)

To this point in time, our primary concern has to be with respect to whether this is an escalation and a violation of present treaties we have signed.

Senator Kinsella: I found somewhat curious that statement of the Minister of Foreign Affairs, Mr. Manley. The quote I have is that if we — referring to President Bush — can persuade the Russians and the Chinese, then we can persuade Canada.

I find it rather curious that we would base our foreign policy decisions on what might persuade the Russians and the Chinese. Surely, the Government of Canada would have its own fundamental principles. Is our policy based upon attempting to be a middle power or to be an honest broker? Is it associated with our NORAD commitments or associated with our NATO relationships? Surely, there must be more substance to our decision-making than to say that if something satisfies the Russians and the Chinese, it will then satisfy the Canadians.

Senator Carstairs: Our primary concern, again, honourable senators, is the protection of the treaties presently in place. Those treaties remain paramount.

PRIME MINISTER'S OFFICE

APPOINTMENT PROCEDURE FOR ETHICS COUNSELLOR

Hon. Marjory LeBreton: Honourable senators, may I begin by also congratulating the Leader of the Government in the Senate and wishing her well as she embarks on this new challenge.

My question is one I have asked before, and it is even more urgent now in view of the ongoing controversy surrounding the Auberge Grand-Mère, the Grand-Mère Golf Course in Shawinigan and the Business Development Bank.

As we know, there were new allegations during the course of the last federal election campaign when the Prime Minister did in fact acknowledge that he had personally intervened.

In 1993, honourable senators, seven and one-half years ago, the Liberal Party in Red Book 1, chapter 6, page 95 — when the Red Book was quite a substantive document — stated:

In particular, a Liberal government will appoint an independent Ethics Counsellor to advise both public officials and lobbyists in the day-to-day application of the Code of Conduct for Public Officials. The Ethics Counsellor will be appointed after consultation with the leaders of all parties in the House of Commons and will report directly to Parliament.

The question is simple and requires a simple answer, yes or no. Will the Leader of the Government in the Senate ask the Prime Minister if, first, the government will consult with all party leaders in the House of Commons, and then, two, appoint an ethics counsellor who will be responsible to and report to Parliament and only to Parliament?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank Senator LeBreton for her question. The Prime Minister has appointed an ethics counsellor who has been in place since Mr. Chrétien became the Prime Minister. He made the decision that Howard Wilson would report directly to him. His view, quite frankly, is that he is ultimately responsible for the integrity of his ministers. He, and he alone, has the power to put them in office and to remove them from office. They, therefore, have their integrity to respond to him. That is the basis on which the ethics commissioner is in place. I see no change in the immediate future.

Senator LeBreton: Honourable senators, I have a supplementary question. In view of the minister's response, might it then be appropriate for Parliament to at least be apprised of what these rules and guidelines are because, as it presently stands, no one knows what guidelines and rules are to be followed. The purpose of my question is not about what the Prime Minister decided, which was to appoint an ethics counsellor reporting only to him. Rather, my question is whether it is the government's intention to revisit the promise it made seven and one-half years ago to consult with all leaders in the House of Commons and have this person report to Parliament. The question requires a simple yes or no answer. Will the government bring in that promise that it campaigned on in 1993?

Senator Carstairs: The simple answer is, not at this time. The standard that the Prime Minister has set on integrity in this government since 1993 is extraordinarily high and could stand up to the reputation of any preceding government.

THE SENATE

GOVERNMENT REPLY TO REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY ON REPORT ENTITLED
"OF LIFE AND DEATH"

Hon. Eymard G. Corbin: Honourable senators, I have a question for the Leader of the Government in the Senate. Surely, the leader will have fresh in her memory the work we did on the committee over which she presided, the five-year review on palliative care. I presented an amendment to the report in the last session of Parliament. That amendment was adopted along with

the report, which read that we requested the Minister of Health to respond within six months to the committee recommendations. Usually, when an election is called, everything falls, lapses or disappears. I wish to ascertain today from my honourable leader whether we can expect a response from the Minister of Health and other government departments with respect to the recommendations contained in that report.

Of course, if I did not say it previously, Senator Carstairs presided over that committee very effectively.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank Senator Corbin for his question.

First, let me say that I have spoken to the Minister of Health about this matter. I have not received a firm response as to whether we will be getting a fulsome reply. However, we did receive a reply in the Speech from the Throne. I should like to quote it because I think senators of this chamber should congratulate themselves for having made a significant impact on the Speech from the Throne. It reads:

No Canadian should have to choose between keeping their job and providing palliative care to a child. The Government will take steps to enable parents to provide care to a gravely ill child without fear of sudden income or job loss.

That is a first step, honourable senators. It is not the complete answer to our report, but I was delighted to see it in the Speech from the Throne. I hope that all senators, particularly those who worked with me on the committee, are as pleased as I am that those words found their way into the Throne Speech.

[Translation]

OFFICIAL LANGUAGES

SPEECH FROM THE THRONE—SUSTAINING
OFFICIAL LANGUAGE MINORITY COMMUNITIES

Hon. Pierre Claude Nolin: Honourable senators, we are into the eighth consecutive year of Liberal government. Yesterday, we heard the fifth Speech from the Throne of the Liberal government, and we think an extra word slipped into the speech.

This is the first time we have heard the government make a commitment with respect to the growth of minority francophone communities in Canada. On page 21 of the French version of the Speech from the Throne, there is the following:

Le gouvernement renouvellera son engagement à l'égard des communautés minoritaires de langue officielle viables...

The extra word, in my opinion, is the word "viables."

The English version of the same speech provides at page 18, and I quote:

...sustainable official language minority communities...

You will agree, honourable senators, that the use of the word sustainable is not reassuring to francophones living in minority communities across Canada.

The *Petit Robert dictionnaire de la langue française*, found on the Clerks' table, defines "viable" as, and I quote:

Qui présente des conditions nécessaires pour durer...

Given the high rate of assimilation of a number of francophone communities across the country, this commitment is all the more vague.

• (1620)

My question is as follows. Since yesterday, the use of the terms "viable" and "sustainable" have led to a number of negative interpretations of the federal government's commitment to the growth of francophone communities. Could the Leader of the Government in the Senate therefore tell us what "sustainable" francophone minority communities means?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question.

[English]

It is important to put the words "sustainable" and "viable" in the context of the entire paragraph. The paragraph reads:

Canada's linguistic duality is fundamental to our Canadian identity and is a key element of our vibrant society. The protection and promotion of our two official languages is a priority of the Government — from coast to coast.

The next sentence reads:

The Government reaffirms its commitment to support sustainable official language minority communities.

However, one must put that phrase in context of the first two sentences, which is a clear affirmation of our commitment to both the French and English languages in this country.

[Translation]

Senator Nolin: I applaud the government for that statement and I fully agree. What is the definition of "viable"? If you use that term — or the word "sustainable" in English — it means that some official language minority communities are not "viable," or sustainable, and that is why it is important to know the definition of the word.

[English]

Senator Carstairs: As Senator Nolin knows, I am not as familiar with both official languages as he. Thus, the nuances of "sustainable" in one and "viable" in the other are not as clear to me as to him. However, I am convinced of the government's commitment, and I am convinced that we should regard the nuance of the word within the context of the entire paragraph.

[Senator Nolin]

Senator Nolin: I hope that all the minority communities both official languages in this country are viable. If we are spend money, we need to spend money everywhere.

[Translation]

Hon. Eymard G. Corbin: When we read that paragraph, are we to conclude that the term "viable," or sustainable, has the same meaning as the expression used in the past, "where numbers warrant," or are we talking about a totally new concept in this Speech from the Throne? Could the Leader of the Government clarify the use of these terms?

[English]

Senator Carstairs: Honourable senators, I cannot clarify the issue today. However, I will endeavour to obtain that information and report back.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a supplementary question. The question is this: In light of what has been stated in the Speech from the Throne, will the government be adding to the official languages budget in the Department of Heritage, given the cuts that it has made to that program in past budgets?

Senator Carstairs: I have been advised that a Department of Heritage official has stated this morning that the qualified work in either official language, must not be misunderstood or misinterpreted and that the government, through the department, will continue to fund all official language groups.

That is the clarification I have received. However, I believe we need further clarification and I shall seek to obtain that further clarification.

Hon. Jean-Robert Gauthier: Honourable senators, I have a supplementary question as well. I understand the difficulty, as the linguistics here are not very clear to me.

[Translation]

In French, the word "sustainable" is translated by the term "viable" and that is why this is confusing. Will the Leader of the Government undertake to obtain a definition of the term "viable"?

[English]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

SPEECH FROM THE THRONE—COMMITMENT TO RESOLVE ABORIGINAL ISSUES—DISSOLUTION OF DEPARTMENT

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. First of all, I wish to congratulate her on her recent promotion to the position of Leader of the Government

My question relates to the Speech from the Throne, and in particular to our aboriginal peoples. Much was made of what the government will do for our aboriginal youth, and the whole thing seems to be driven by events, rather than necessity. The event that I refer to is the unfortunate situation in Labrador. The government seems to offer remedial solutions instead of preventive ones in the process of dealing with our young aboriginal peoples. The inference being that \$2 billion will be thrown at this problem.

My question to the Leader of the Government in the Senate is as follows: Are we to continue to throw good money after bad in the same manner as we have, or are we prepared to totally restructure the Department of Indian Affairs and Northern Development, and possibly disband the department, in order to get away from the paternalism that has led to this horrific situation year after year, government after government?

The situation is degenerating in this country. I say that, not only from the experience of what I have witnessed, but from what I have been told by numerous people in the aboriginal community.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank Senator St. Germain for his question. However, it is clear that nothing should be done with respect to our aboriginal people without consultation with our aboriginal peoples.

Following the Speech from the Throne yesterday, I was delighted to hear the comments of the Grand Chief. He was pleased with the commitments in the Speech from the Throne, which call for accountability, a responsiveness from our aboriginal people, and also recognize that they must be consulted in order to design programs to meet their needs.

Honourable Senator St. Germain, the government believes that this is a problem in our nation and that it must be given first priority. It was clearly given a first priority in the Speech from the Throne. As someone who lives in a part of the country, as does the honourable senator, where there are large numbers of people of aboriginal origin, I thank the government for that initiative.

Senator St. Germain: Honourable senators, I, too, welcome the words of the Grand Chief. There is a question of accountability here and paternalistic behaviour on the part of the department. The Grand Chief even brought into question the accountability of certain chiefs who are responsible for funding going to certain tribes which funding is not getting through to the people who really need the help.

• (1630)

This is the problem. Are we to continue on, run roughshod over the real problem and not deal with the core of the problem? The core of the problem is that DIAND and many of the administrations that run these bands do not generate the benefits to the people within the communities themselves. This is where

the problem lies. Are we prepared as a country to restructure DIAND completely and take a completely different approach to this issue? I am asking the government if it is prepared to do this. Are we to continue with people being unfairly critical of our natives, because it is unfair to criticize natives in general, or will we really do something this time to rectify the horrific problem that exists amongst our aboriginal people?

Senator Carstairs: I think that there is great goodwill in the government to do something, but fostering good governance and strong accountability should be a message that not only gets to our aboriginal people but one to which the government also must respond. If we can get those accountability measures going both ways and if we can get good governance going both ways, Canada can only benefit, and that includes our aboriginal people.

CHURCH COMMUNITY

FINANCIAL SUPPORT FOR SETTLEMENT OF LAWSUITS BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS— GOVERNMENT POLICY

Hon. Douglas Roche: Honourable senators, as an Alberta senator, I want to express my pleasure at His Honour's appointment as Speaker of the Senate. Before he rules that comment out of order, I now change the subject.

I congratulate the new Leader of the Government in the Senate. She has my support, as does the deputy leader, Senator Robichaud.

My question regards the residential schools issue that I have previously raised in the Senate. The Honourable Herb Gray has been meeting with church leaders to resolve the issues surrounding the lawsuits launched by former students of residential schools. The gravity of this situation has been growing. A total of 7,200 lawsuits have been launched, and that number is increasing. The potential liability of these cases is \$2.1 billion.

Can the leader confirm that the government now recognizes that it bears primary financial responsibility? In the main, the churches involved — Catholic, United, Anglican and Presbyterian — were implementing government cultural education policies in the administration of the residential schools.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. So that honourable senators are aware of the scope of the negotiations, there have now been three meetings between the Deputy Prime Minister and Ecumenical Council officials from the churches represented in these particular lawsuits. No agreement has yet been reached. No division on funding has been reached. In fact, no recognition of any liability has been discussed at this point. However, the churches have been asked to provide financial data regarding their capacity to contribute to the compensation programs that hopefully will provide some relief to our aboriginal people who were damaged in this way.

I assure the senator that negotiations are ongoing. This is an important matter that the government wants to see come to a conclusion in a relatively short period of time.

From my own perspective, we need a package that not only provides compensation but also provides the counselling support that is so needed by the victims of violence in our aboriginal communities.

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired. I have a request for a supplementary, and Senator Gauthier is on my list; however, the time has expired.

POINT OF ORDER

Hon. Jean-Robert Gauthier: Honourable senators, I rise on a point of order concerning the operations of this house. I think you all know what I am talking about. I wanted to put a question today to the Chairman of the Standing Committee on Internal Economy, Budgets and Administration, who is absent. I would like to put the same question to the deputy chairman, Senator Nolin. It is a question of importance to me because it relates to a use of this place by outside interests.

On January 30 last, the *CBC* broadcast a program with five members of Parliament and Peter Mansbridge talking about the Throne Speech that was pronounced yesterday.

[Translation]

I have a question for the honourable senators who sit on the Committee on Internal Economy. The Senate is not, in my opinion, a place for media attention, but a serious place. I cannot see how you can have allowed such a use of this place as I know, for having spent 22 years there, that it is forbidden in the House of Commons to let cameras in to produce a television program. Does the Standing Committee on Internal Economy, Budgets and Administration intend to review the issue so as to come to a solution and forever prohibit the use of this place for media purposes?

[English]

The Hon. the Speaker: Honourable senators, I hope that I have your patience on my first full day on the job. I have listened to Senator Gauthier rise and speak on a point of order. However, the best advice I have, in my own view, is that it is a grievance. There will be an opportunity to deal with this matter properly in accordance with our proceedings, either under Question Period as a question to the chair of Internal Economy or, perhaps, to the Leader of the Government in the Senate.

I will now ask that we continue on with our Orders of the Day.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wonder whether I could ask if there is unanimous consent of the house to revert to Question Period so that Senator Gauthier could ask one question to the deputy chairman of Internal Economy.

The Hon. the Speaker: I will put the question to the house honourable senators, as I have been requested to do by Honourable Senator Kinsella.

Is leave granted to revert to Question Period for purposes of Senator Gauthier putting his question with respect to the grievance he raised a few moments ago?

Hon. Senators: Agreed.

The Hon. the Speaker: Please proceed, Senator Gauthier.

Hon. Pierre Claude Nolin: We have already heard the question.

The Hon. the Speaker: To keep our business in order Senator Gauthier should put the question properly. This is the only question we have leave to deal with, and I now call on Senator Gauthier to put his question.

[Translation]

THE SENATE

USE OF CHAMBER FOR MEDIA INTERVIEWS

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Deputy Chair of the Committee on Internal Economy, Budgets and Administration. Can the Senate Chamber be used for interviews or media events such as were held here on January 30? The *CBC* used the floor of the Senate Chamber to bring together five MPs but no senators to discuss a subject of importance, the Speech from the Throne. Do the *Rules of the Senate* allow the Senate Chamber to be used for such events?

• (1640)

Hon. Pierre Claude Nolin: Honourable senators, I am definitely going to look into this question. This is not the first time the Committee on Internal Economy has authorized televised activities within the Senate Chamber. It has been done several times already for instructional purposes.

We, the members of the Committee on Internal Economy who make such decisions, were most definitely in good faith when we granted the *CBC* reporters' request to use the floor of the Senate on the eve of the Speech from the Throne. If we made a mistake, we are going to ask to be forgiven and assure you that, unless there is a proper change to the rules, this could not happen again.

[English]

The Hon. the Speaker: Honourable senators, I have a request for a supplementary question. Only Senator Nolin can respond. Senator Poulin, supplementary?

Hon. Anne C. Cools: Your Honour, I have a question, too.

The Hon. the Speaker: I will deal with the senator whom I first saw standing, Senator Poulin, who wishes to ask a supplementary question.

[Translation]

Hon. Marie-P. Poulin: Honourable senators, the question raised by Senator Gauthier is very important and forces us to take a second look at the guidelines that allow us, in the Committee on Internal Economy, to make decisions affecting the institution as a whole. I do not think the decision was taken lightly. I believe Senator Nolin could describe the exceptional circumstances surrounding this decision on the occasion of the Speech from the Throne.

Senator Nolin: Honourable senators, when the Senate transforms itself in order to welcome distinguished visitors or to hear Her Excellency the Governor General read the Speech from the Throne, there is no doubt that the spotlight is on the Senate.

I will say this again in all good faith. The three members of the Committee on Internal Economy who made this decision did so in the interest of the institution without ever asking themselves whether a Senate rule prevented them from doing so.

As to the discussions held when the decision was taken, you will understand that I am not in a position to inform you of them today, since they occurred during an *in camera* meeting of the Steering Committee of the Committee on Internal Economy.

The fact that members and senators were to participate in the broadcast was discussed. In the final analysis, we felt it more important to have the institution properly presented to all Canadians on the occasion of this broadcast.

I repeat, honourable senators. We will look at our decision, and if we have made a mistake, we apologize for it now and will ensure it is not repeated.

[English]

Senator Cools: Honourable senators, the central issue before us transcends the particular question, so I wish to support Senator Gauthier in his question. I should like to ask the Senate — perhaps not at this moment, but at some time in the future — to give this matter the kind of consideration and the study it properly deserves. The larger question is the appropriate and proper use of the Senate chamber, the Senate facilities and the precincts of Parliament, in particular. That question must be asked.

I happened to be here during the days leading up to election day. The entire first and second floors of this building were occupied and taken over by the media. I would love to know, for example, who made those decisions, how those decisions were made and what were the criteria applied to making all those decisions? If one was a senator and had wanted to, one could not have moved between those two floors.

Senator Nolin was saying that members of the Internal Economy Committee took a decision. If we took the wrong decision, then maybe we will turn around and apologize. The larger question, however, is this: How are these decisions taken and by whom? What is the Senate and senators' involvement in these important questions? The Senate of Canada — and, in

particular, the Parliament of Canada — is not supposed to be a prop for a television show, especially when one may be looking at a huge profit of billions of dollars, which are currently involved. I understand Senator Nolin and his sincere works and efforts in this regard, but perhaps it is time for us to bring forward this question.

Senator Nolin: Honourable senators. I will not answer the last question because I do not know the answer. That question is up to either the chamber or the Rules Committee to decide, not me.

How the decision is made is very simple. A request is made to the Black Rod. The Black Rod then examines the request and it is sent to the Clerk of the Senate. It is either rejected or supported. After that, it is signed by the chair of the Internal Economy Committee and myself.

With respect to election coverage being televised from the foyer, this practice did not begin with this election. It began with the last election. We use criteria such as the public interest and the dignity and the openness of the institution. I am sure the honourable senator is not implying that we should keep the lid on our institution. We want to be open and to present our institution and its beauty, including our foyer, to Canadians. This chamber has never been used during election night, ever.

Senator Cools: Honourable senators, this matter should be debated. I am absolutely convinced that it is entirely possible to be very open, to be democratic, to serve the public interest and to still honour and respect the proper and appropriate use of the precincts of Parliament.

I extend an invitation to you, Senator Nolin, that perhaps the entire chamber, as a whole or a committee, should look at the question. It is very important.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE ADJOURNED

The Senate proceeded to consideration of Her Excellency the Governor General's Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.

Hon. Jane Marie Cordy, seconded by the Honourable Senator Setlakwe, moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Adrienne Clarkson, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

She said: Honourable senators, the priorities for the Government of Canada have been laid out before us, and before all Canadians, by Her Excellency the Governor General of Canada. I am honoured to support this motion and to have the opportunity to express some views with respect to the Speech from the Throne.

• (1650)

I would first like to take the opportunity to formally congratulate our new Leader of the Government in the Senate, the Honourable Senator Sharon Carstairs. Senator Carstairs is a woman with a strong mind and even stronger convictions, but what else would one expect? She was born in Nova Scotia.

More than that, Senator Carstairs has been a political pioneer, having been the first female leader of the opposition elected in Canada in 1988. As was the case when she was leader of the Liberal Party in Manitoba for nine years, I know that she will perform her duties as Leader of the Government in the Senate with the same tenacity and skill. My only regret is that Senator Carstairs will no longer have the time to have her Senate school for new senators on this side of the house.

Senator Carstairs, I want to take this opportunity to thank you publicly for the time you gave to help us, particularly me, with our transition to the Senate.

As well, I should like to congratulate Senator Fernand Robichaud on becoming our new Deputy Leader of the Government in the Senate. Senator Robichaud brings an enormous amount of experience to this position, having served in the House of Commons and in the cabinet of Jean Chrétien for many years. I look forward to serving with you both.

As I look across this historic chamber, I wish to extend my sincerest congratulations to the leadership of the opposition in the Senate. Senator Lynch-Staunton, Senator Kinsella and Senator DeWare have served the Senate well. I wish them success in their continuing roles.

Finally, I should like to say a few words about our newly appointed Speaker, Senator Dan Hays. His friendship and advice have helped me to better understand my role and obligations in the Senate. I know His Honour will excel in his new position.

Honourable senators, I am pleased today to have the opportunity to talk to you about a community in my home province of Nova Scotia, the community of Glace Bay. Yesterday, January 30, was the one-hundredth anniversary of the

incorporation of the Town of Glace Bay. The Glace Bay Centennial Committee and the Glace Bay Heritage Museum Society hosted a special celebration yesterday to commemorate this joyous occasion.

Honourable senators, Glace Bay has the distinction of being the first town in the British Commonwealth to be incorporated under the reign of King Edward VII. In the 1940s, it was the largest town and the largest coal-producing centre in Canada. The mining industry supplied the fuel that was vital during world conflicts and added to the provincial and national economies for many years. This history has developed an unmistakable sense of pride and togetherness within the community.

While the community has recently had its challenges, I have no doubt that the strong will of the people and the generosity of spirit which are so prevalent within the community will bode well for Glace Bay as it begins its next 100 years.

Honourable senators, the people of Canada have made a clear choice. The people of Canada have decided to stay with the team they know, the team they trust, the team that delivered them from the brink of financial disaster to the forefront of economic opportunity. The people have chosen the team of Jean Chrétien for a third consecutive majority government.

Honourable senators, the election of 2000 was very different in many aspects from elections fought in this country over the last number of years. In 2000, the people of Canada had to decide how they wanted their surplus spent, not which services would have to be cut because of an out-of-control deficit. What a wonderful contrast this was to elections past. I hope we are not faced with difficult deficit-cutting decisions again.

Canadians have chosen a balanced approach to investing their surplus. Canadians have chosen to make health care their number one priority. Now, in the Speech from the Throne, the government of Jean Chrétien has set the course to further strengthening our health care. It is well known throughout the world that Canada has one of the best — perhaps the best — system of health care. At the foundation of this system is the Canada Health Act.

More than simply a piece of legislation, the Canada Health Act defines who Canadians are and what they stand for. The Canada Health Act puts before all lawmakers in this country a set of guidelines, the principles that we use to deliver health care to those in need. They are the principles of universality, public administration, comprehensiveness, portability and accessibility for all, not just for those who can afford it.

Honourable senators, this government recognizes the need for a patient-centred national health care system. They have listened to the concerns of Canadians and they will continue to respond to their needs. The team of Jean Chrétien was the one to stand up and defend the principles of health care, and the people have responded.

Honourable senators know that we in Canada have been very fortunate. We have been guided through a storm into a sea of prosperity, prosperity which has not been seen for many generations. Unfortunately, not all regions of Canada have benefited equally from this prosperity. I speak, of course, of my home in Atlantic Canada.

Atlantic Canadians are not looking for a free ride in our society. However, they are looking for a signal that their government has not forgotten them. The government of Jean Chrétien has delivered that signal. It started with "Catching Tomorrow's Wave," a group effort inspired by Liberal caucus members from Atlantic Canada. "Catching Tomorrow's Wave" proposes that we build on our existing strengths and initiatives in Atlantic Canada. It puts forward a strategy to add value to existing industries and to attract new investment to the region. The Prime Minister followed that up with the announcement of the Atlantic Investment Partnership. The \$700-million, five-year federal initiative is a balanced mix of strategic investments and initiatives designed to build new partnerships that will strengthen the capacity of all Atlantic Canadians to innovate and compete in the global, knowledge-based economy.

Yesterday, the Government of Canada went one step further. It has renewed its commitment to economic development and its commitment to Atlantic Canada.

Honourable senators, the people of Canada have made a sound choice. They have entrusted Prime Minister Jean Chrétien with the responsibility of continuing the work he began back in 1993, only this time the decisions are much different. This time, we are seizing the opportunities provided by our hard work. This time, we are building a better, stronger society, where everyone is a full partner and no one is left behind.

Yesterday's Speech from the Throne was only the first step in this journey. It was a statement to Canadians that their government is listening to them and that their priorities are one and the same.

[Translation]

• (1700)

Hon. Raymond C. Setlakwe: Honourable senators, the very timely motion by my colleague the Honourable Jane Marie Morley, in her speech in reply to the Speech from the Throne, gives me the opportunity to deliver my maiden speech in this august institution, where so many illustrious men and women before me brilliantly demonstrated their attachment to Canada and their desire to improve the lot of their fellow countrymen.

[English]

I am especially pleased to have the honour to second the address in Reply to the Speech from the Throne and thereby to

have an opportunity to participate more directly in the far-reaching debate over the issues of the day that are fundamental to the democracy of our country and its democratic life. I feel extremely privileged to be able to speak in this chamber, wherein I am discovering and appreciating a bit more each day my colleagues' sincere commitment to our country. Allow me, therefore, to begin by expressing my gratitude to those who deemed me worthy to sit in this assembly.

[Translation]

As we begin this session, I first want to point to the exceptional work done by the Honourable Sharon Carstairs and to congratulate her on her appointment to cabinet as Leader of the Government in the Senate. I also congratulate our new deputy leader, the Honourable Senator Fernand Robichaud. I also wish to salute the Honourable Gildas L. Molgat, who welcomed me here, and I wish his successor, the Honourable Senator Dan Hays, the same success at the helm of our assembly. Let me also take this opportunity to salute the Honourable Lise Bacon, my sponsor, for her unwavering friendship.

[English]

I would be remiss if I did not mention at the outset the leadership qualities of the Prime Minister of Canada. He has, once again, shown his ability to communicate with Canadians and, in particular, his perceptiveness, his intimate knowledge of Canada and Canadians, and the energy that he applies not only to keeping this great country together but equally to maintaining the economic and social programs put in place by the Liberal Party that have brought prosperity and security to his fellow Canadians.

I also think the choice made by the electorate reflects, to a large extent, an ideal — a shared vision that is informed by Liberal values. No party can embody those values more effectively than the Liberal Party of Canada, which, through generations, has managed to retain these values while allowing them to evolve.

It appears to me that our party's position in the centre of the political spectrum is oddly similar to the idea of the "radical middle" put forward by Judith Maxwell for the Canada of tomorrow. This eminent economist will be soon be publishing a paper entitled "Toward a Common Citizenship," and she discussed it recently with Shelagh Rogers on the *CBC Radio* program *This Morning*. Ms Maxwell says:

It is possible to adapt our sense of the rights and responsibilities of citizens in the radical ways or the dramatic ways that are necessary to be in tune with the knowledge-based economy in the globalized world, without having to go to the left or to the right; that we can do that within the principles of the middle which basically has been what Canadians have followed for a long time.

[Translation]

The recent rapid evolution of the western world, with all its resulting uncertainty and questioning, has led Canadians back to basic values. Liberal values, in order to face and manage the changes that are looming on the horizon.

Indeed, Canadians are finding that respecting rights and freedoms, protecting democracy and the rule of law, justice, the right to equal opportunities, the right to work and the involvement of each and everyone in the advancement of individuals and society are at the core of their success as citizens, people, ethnic or civil community.

[English]

In reality, Canadians are extraordinarily lucky to live here in social peace and cohesion, founded on these values, the sources of their commitment to the greater well-being of society. I also believe that Canadians hope and trust that these values will come to predominate throughout the world, in part through the actions of their government.

Compared with many other countries, our frames of reference for judging the common good may, in this regard, be broader, more flexible, more tolerant, more pragmatic and more open to the world. Clearly, we are increasingly aware of the real challenges, as well as the obstacles to be overcome in the coming years to meet those challenges. We are not only more conscious; we are also more conscientious.

[Translation]

Canadians have traditionally searched for balance and harmony, both among themselves and in their relations with other nations. Whenever they have had the odd dispute, they have invariably opted for negotiation over confrontation.

This explains why Canadians have always been somewhat suspicious of right-wing or left-wing ideologies in their notion of the public interest, both in the expression of the vision they have of themselves and as a state or nation, because their country, from an ethnic point of view, is not monolithic but was built with the input of various cultures, including the aboriginal culture.

Speaking of aboriginal people, we now have an opportunity to get the whole country to join them this summer in celebrating the tricentennial of the Grande Paix de Montréal. This a major event in the relations between aboriginal nations and the first settlers in what has become Canada.

I should point out that long before Confederation in 1867, the aboriginal nations already had a federation. Their memories in this respect are still very vivid and we have everything to gain in launching initiatives as generous and as meaningful as those of the Grande Paix de Montréal of 1701.

I have the good fortune to live in one of the loveliest regions of Canada, in the Eastern Townships of Quebec. This is an essentially francophone area, but there are a good number of

anglophones as well. As we know, out of loyalty to the British Crown, their ancestors fled there from what was becoming the United States. As a person whose parents came from another culture, being of Armenian origin, I have always had the impression, seeing these two languages coexisting, that this was what gave each much of their originality and dynamism. In the end, this coexistence introduced many resemblances into the two languages, compensating in large part for what distinguished one from the other.

[English]

It is my impression that we live in an open and tolerant country. Like many other regions, the Eastern Townships are living through a difficult transition, from an economy based on natural resources, as in my town of Thetford Mines, to a knowledge-based economy. I now understand that our openness, tolerance and respect for others are assets for this region. We see clearly the reality and the expression of cultural pluralism, broadly based and highly adapted to the interdependence toward which we are being led by the new economy, itself a source of extremely varied exchanges, development and progress.

Quebecers, particularly the younger generation for whom nationalism in the least pejorative sense reflects pride, want to turn the page and accept the challenges of the modern world. Unfortunately, some of my fellow citizens in Quebec are still looking back with nostalgia to ethnic nationalism, as though a concrete expression could truly represent the interests of francophones. Their quest for liberty, autonomy and prosperity involves the attainment of independence for Quebecers, even though interdependence in itself constitutes an even greater form of autonomy, freedom and prosperity.

[Translation]

In Alain Minc's recently released book, the author, who has much knowledge of Europe and of the designs of our Quebec secessionists, minces no words on their illusions in this connection. He writes:

The comparisons the Quebec sovereignists are trying to establish between their Utopian project and the economic and monetary association concocted by the members of the European Union are incongruous and without basis. The thinking is wrong.

Rather than fully experiencing cultural solidarity in order to empower and enhance the French language and culture, rather than exploiting the full potential of the advantages and wealth of cultural diversity, the nationalists are dividing the francophones of Quebec, first and foremost, and then the francophones and anglophones, and finally the assimilated and non-assimilated immigrants.

• (1710)

This narrow approach to building social solidarity against those who do not speak the same language or against other provinces costs our society a lot.

We pay the cost daily, more often insidiously than not. Neither economic nationalism nor the preservation of the so-called Quebec model nor the creation of a Quebec diplomatic corps will lighten the weight.

Romain Gary said that to be a patriot was to love one's fellows and to be a nationalist was to detest others. Before him, Einstein said that nationalism was patriotism stripped of all its nobility.

By drawing from the well of ethnocentric nationalism, which makes the other a threat, sovereignists are confirming the remarks of both sides, while failing to hide the fact that their rhetoric is aimed first of all at mobilizing, at legitimizing their search for power in order to govern only through quarrelling and antagonism, something that brings to mind what Albert Schweitzer said about nationalism, that it is an infantile disease, the measles of mankind.

[English]

Honourable senators, there are more and more French-speaking Quebecers who wish to assert themselves and face the challenges, bearing in mind their specific character, but also with all the openness and tolerance required for solidarity.

Quebec is my real home, the one that my grandfather chose, and that means a lot to me. I hope that my sovereignist compatriots, and particularly young people, will find within themselves the generosity to be Canadian and to be proud not only of their language and culture but also of Canada, their country. Our country is the envy of the entire world. Every year hundreds of thousands make Canada their new home. These people are not coming here just for the weather, but so that they and their families can join other Canadians in sharing these liberal values and finding new ways to be Canadian.

Another reason they come here is to find what Tennyson, speaking in the 19th century about his own country, described as a land of settled government, a land of just and old renown, where freedom slowly broadens down from precedent to precedent."

[Translation]

It makes no sense to hear sovereignists talking about their proposed nation state, when governments the world round are feeling the need, in the face of globalization, to sign countless continental and international agreements, to share their concerns and their responsibilities, giving up their prerogatives in many regards and even some of their sovereignty in the greater interests of their respective populations.

[English]

In the decades to come, Quebecers and other Canadians will be called upon to live every day as citizens of the world. Being a Canadian is clearly a substantial asset and a means of resisting cultural levelling, strengthening our social security net and becoming regionally integrated in an expanded universe of porous borders. Furthermore, faced with the expansion of a kind

of neo-liberalism, Canada can play an important role in the international community in limiting its most perverse effects. If, as a society, we wish at this point in our history to embrace a cause that is truly worthy, there is plenty there to absorb our talents.

The more these barriers are broken down, honourable senators, the more obvious it becomes that we cannot separate economic factors from other aspects of life in society, such as democracy and social, cultural and environmental life. The more governments seek to provide a framework for trade, the more they are obliged to realize that the law of the jungle, imposed as the standard, will send humanity hurtling towards disaster. The world economic order needs moral standards and a moral authority.

Honourable senators, as a Canadian citizen, I am concerned — concerned for peace and democracy in the world, concerned for the people of the poorest countries condemned to human anguish, concerned that child poverty throughout the world and in Canada is not declining.

[Translation]

Concerned by the disastrous effects of global warming as the result of pollution and the destruction of the flora and fauna of my country, among others, concerned by the absence of means to effectively stop international financial speculation, concerned about the unregulated increase, contrary to a humanist ethic, in the genetic manipulation of living organisms.

Honourable senators, I thank you for your patience with me, but I would be all the more grateful if, in the coming months, you would consider with an open mind and solely out of a concern for the common good the political program the government is putting before us in an effort to reduce Canadians' concerns, ensure balanced development in all regions, provide solutions to the challenges facing us, be they internal or external, and, finally, keep this great country we are so attached to whole for future generations.

On motion of Senator Kinsella, on behalf of Senator Lynch-Staunton, debate adjourned.

[English]

MARINE LIABILITY BILL

SECOND READING

Hon. George J. Furey moved the second reading of Bill S-2, respecting marine liability, and to validate certain by-laws and regulations.

He said: Honourable senators, I am pleased to rise today for the second reading of Bill S-2, respecting marine liability. This legislation is essentially the same as Bill S-17, which died on the Order Paper when the writ was dropped in October 2000. There are two exceptions by way of housekeeping amendments that I will discuss later.

The proposed legislation introduces the concept of shipowners' liability for the carriage of passengers and new rules for the apportionment of liability in maritime cases. At the same time, this bill consolidates existing marine liability regimes into a single statute.

I should like to take a few moments, honourable senators, to briefly review Bill S-2. Because this bill has already been discussed at great length in committee and at great length in this chamber in its previous life as Bill S-17, my comments will be brief.

The introduction of a new regime of shipowners' liability to passengers is the key substantive element of the bill. This regime set out in Part 4 is an initiative born out of concern for those passengers who may be involved in an accident during maritime transport.

There are currently no statutory provisions in Canadian law that establish the basis of liability for loss of life or personal injury to passengers travelling by ship. The intent of the regime of liability to passengers is to ensure that in the event of a loss, particularly a major one, the claimants have a guarantee of a set level of compensation and, at the same time, to provide to shipowners a means for determining their potential exposure to passenger claims.

There appears to be no basis for maintaining the contractual freedom currently enjoyed by water carriers. The new regime of liability for passengers will therefore specifically prohibit such practice. This will harmonize Canadian legislation with that of other maritime nations.

Honourable senators, the second policy objective of this bill is new legislation for the apportionment of liability in maritime cases. This legislation is needed to deal with important aspects of liability in situations where the claimant has been partly responsible for his or her loss. This is a very difficult, complicated and confusing area of Canadian law due to the absence of legislation relating specifically to maritime cases.

In the past, two rules of common law have been the source of serious concern to the entire maritime community. First is the common-law defence of contributory negligence that prevents a claimant from recovering anything if the defendant can prove the claimant's own negligence, even in the slightest degree, contributed to the damages. Second, a defendant who is required to pay damages to a claimant cannot turn around and claim a contribution from others who may have contributed to the claimant's loss.

I should note as well that a number of maritime industry groups, among which were the Canadian Maritime Law Association, the Shipping Federation of Canada and the Canadian Board of Maritime Underwriters, appeared before the Transport Committee on the previous Bill S-17 and expressed their general support for this legislation.

In conclusion, honourable senators, the key features of the proposed Marine Liability Act include a new regime of

shipowners' liability to passengers, a new regime for apportionment of liability, and consolidation of existing liability regimes. This is no different than the form of its predecessor, Bill S-17.

There are, however, as I mentioned earlier, two technical amendments. One involves the definition of the word "dependant." The definition contained in Bill S-17 as passed by the Senate in the last session was not consistent with Bill C-23 as enacted in the last session. The bill introduced today has been modified slightly so that the definition of "dependant" is consistent with Bill C-23. Bill C-23 received Royal Assent and is now an act to modernize the statutes of Canada in relation to benefits and obligations.

The second amendment pertains to a repeal of section 578. This provision in the bill passed by the Senate in the last session contained a date that was incorrect. In fact, the repeal took effect on March 17, 1999. The old bill mistakenly contained a date, March 30, 1999, because that was the date on which the repeal was published in the *Canada Gazette*. The bill introduced today as Bill S-2 corrects that date. This correction was recommended by the Standing Joint Committee for the Scrutiny of Regulations.

Honourable senators, we have before us a bill that will modernize and improve our legislation for maritime claims to ensure that it meets current Canadian requirements in the area of shipowners' liability, in particular passenger liability.

I wish to thank all senators for their support when this bill came to this chamber before as Bill S-17. I humbly seek your support for its twin legislation, Bill S-2. I urge all honourable senators to join with me in supporting this bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the opposition in the Senate supports Bill S-2 at second reading. I would, however, make a few comments.

First, I thank Senator Furey not only for his explanations today, including the explanation of the two technical amendments that have been brought to this bill from what was contained in the previous bill, but also for his work in the committee. I also thank our colleague on this side, Senator David Angus, who worked very assiduously on this bill.

This bill has been thoroughly studied, honourable senators, and the quality of that study is worth noting on the record. All honourable members of the committee examined the bill carefully. Senator Angus, who was our critic on the bill, brought to the work of the committee his 30-some years of experience in maritime law and his standing in the maritime law community, not only nationally but internationally.

I remind senators that Bill S-2 also incorporates the Athens convention into Canadian law. That convention was adopted by the International Maritime Organization with Canada's full approval, back in December of 1974, as a uniform convention. It was amended in 1990 by a protocol updating its limits of liability.

The committee in the previous Parliament thoroughly studied the bill. Because of the work that has gone on in relation to the Athens convention, even beyond the scope of the bill, this legislation frankly is long overdue. The substance of the bill, as far as we have heard from our own committee, is non-controversial and unopposed by any group. In the recorded proceedings of the committee from the last Parliament, it seems the legislation is eagerly awaited by all elements of Canada's marine industry, including shipping, shipowners, cargo, passenger, insurance and maritime law interests. The government has circulated discussion papers, consulted with stakeholders and received wide approval from the affected maritime community.

Honourable senators, Bill S-2, before us now at second reading, creates a new framework for Canadian marine liability. It is a single statute devoted exclusively to issues of marine liability, present and future. It will help all members of the marine community to better understand the responsibilities and the rights of those who are or will be affected by the laws in question.

As mentioned by Senator Furey, clause 4 of the Bill S-2 is a little different from clause 4 in the previous bill. I am satisfied that the change is purely technical. As Senator Furey has explained, it simply brings the definition into line with the former Bill S-23, which is now part of the statutory law. The date change in clause 122 is also appropriate.

For our side, we support the bill at second reading.

The Hon. the Speaker: Honourable senators, I see no other senator rising to speak. It is moved by the Honourable Senator Furey, seconded by the Honourable Senator Gill, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. George J. Furey: With leave, now.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b), it is moved by Honourable Senator Furey, seconded by Honourable Senator Gill, that this bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

• (1730)

PUBLIC SERVICE WHISTLE-BLOWING BILL

SECOND READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I moved the second reading of Bill S-6, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for the protection of whistle-blowers.

He said: Honourable senators, the motion for second reading later this day was put and adopted. This bill had been adopted unanimously by the Senate in the last Parliament and was before the National Finance Committee. The objective is to have it returned there today.

I should like to remind honourable senators what the bill is about. It is to provide a legislative framework within which the issue of whistle-blowing can be dealt with in the Canadian public service. The work that was well in progress in the National Finance Committee in the last Parliament included first-class testimony on the subject. There was full recognition that we are fortunate in Canada to have a highly ethical and highly professional public service. This bill is part of the modernization which I believe was referred to in the broad sense in the Speech from the Throne read by the Governor General yesterday.

Honourable senators, I thank you for your support.

Hon. Sheila Finestone: Honourable senators, I support a quick referral of Bill S-6 into committee. The previous hearings were excellent. It is an important bill.

I remind honourable senators of the whistle-blowing decision of the Supreme Court concerning rBST and its impact, or lack thereof, on beef.

Therefore, I suggest that this bill move forward without further delay.

The Hon. the Speaker: Seeing no other honourable senator rise, is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move, seconded by Senator Finestone, that the bill be referred to the Standing Senate Committee on National Finance, when that committee is struck.

The Hon. the Speaker: It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Finestone, that the bill be referred to the Standing Senate Committee on National Finance, once this committee is established.

Is it your pleasure, honourable senators, to adopt the motion?

POINT OF ORDER

Hon. Nicholas W. Taylor: Honourable senators, I rise on a point of order.

The Hon. the Speaker: The motion to refer a bill to committee is not a debatable motion.

Senator Taylor: I rise on a point of order on that motion.

I do not think the motion can be considered since no senators have yet been appointed to the committee. The honourable senator covered himself by saying "when it is struck." I believe that, later, we will be having a debate as to how to put the committees together. Perhaps the honourable senator would amend his motion to say something to the effect of, "if and when appointed." That might be better.

I know this is a rather picky item, but it could be used to destroy the bill later. We might as well do it right the first time.

The Hon. the Speaker: Are there any further comments on the point or order?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I accept Senator Taylor's suggestion. I think that, indeed, was the formula we used in the past when we were in a similar situation. Therefore, I would amend my motion

to include the words "if and when the National Finance Committee is struck."

The Hon. the Speaker: Honourable senators, it seems that we have done this before. With the modification of Senator Kinsella, I think even Senator Taylor is happy.

Accordingly, I put the question in that form, with the word "if" added. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Kinsella, bill referred to the Standing Senate Committee on National Finance, if and when it is established.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, February 6, 2001, at 2 p.m.

Motion agreed to.

The Senate adjourned to Tuesday, February 6, 2001, at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE DANIEL P. HAYS

THE LEADER OF THE GOVERNMENT

THE HONOURABLE SHARON CARSTAIRS, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STAUTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

GARY O'BRIEN

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(January 31, 2001)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Brian Tobin	Minister of Industry
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Foreign Affairs
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Ronald J. Duhamel	Minister of Veterans Affairs and Secretary of State (Western Economic Diversification) (Francophonie)
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)
The Hon. Rey Pagtakhan	Secretary of State (Asia-Pacific)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(January 31 2001)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Gildas L. Molgat	Ste-Rose	Winnipeg, Man.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver, B.C.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	Moncton	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Thérèse Lavoie-Roux	Quebec	Montreal, Que.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Bernston	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
A. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Berry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs	Manitoba	Victoria Beach, Man.
London Pearson	Ontario	Ottawa, Ont.
Sean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Éline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Norma Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Éonice Mercier	Mille Isles	Saint-Élie d'Orford, Que.
Vilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Berge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Maurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Yvienne Poy	Toronto	Toronto, Ont.
Sheila Finestone, P.C.	Montarville	Montreal, Que.
One Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Jack G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Robert Sobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Raymond G. Squires	Newfoundland	St. Anthony, Nfld.
Janet Marie Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(January 31, 2001)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.	PC
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane Marie	Nova Scotia	Dartmouth, N.S.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
DeWare, Mabel Margaret	Moncton	Moncton, N.B.	PC
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finestone, Sheila, P.C.	Montarville	Montreal, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Johnson, Janis	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC

SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, Leo E.	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
Lavoie-Roux, Thérèse	Quebec	Montreal, Que.	PC
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Mercier, Léonce	Mille Isles	Saint-Élie d'Orford, Que.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Molgat, Gildas L.	Ste-Rose	Winnipeg, Man.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Perrault, Raymond J., P.C.	North Shore-Burnaby	North Vancouver, B.C.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James.	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.	PC
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Squires, Raymond G.	Newfoundland and Labrador	St. Anthony, Nfld.	Lib
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Bon Accord, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.	Ind

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(January 31, 2001)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
19 Francis William Mahovlich	Toronto	Toronto
20 Vivienne Poy	Toronto	Toronto
21 Isobel Finnerty	Ontario	Burlington
22		
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Gulf	Sainte-Foy
5 Gérald-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
11 Lise Bacon	De la Durantaye	Laval
12 Céline Hervieux-Payette, P.C.	Bedford	Montreal
13 Shirley Maheu	Rougemont	Ville de Saint-Laurent
14 Léonce Mercier	Mille Isles	Saint-Élie d'Orford
15 Lucie Pépin	Shawinigan	Montreal
16 Marisa Ferretti Barth	Repentigny	Pierrefonds
17 Serge Joyal, P.C.	Kennebec	Montreal
18 Joan Thorne Fraser	De Lorimier	Montreal
19 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
20 Sheila Finestone, P.C.	Montarville	Montreal
21 Raymond C. Setlakwe	The Laurentides	Thetford Mines
22 .....	.....	.....
23 .....	.....	.....
24 .....	.....	.....

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Marie Cordy	Nova Scotia	Dartmouth
9		
10		

NEW BRUNSWICK—10

THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Jean-Maurice Simard	Edmundston	Edmundston
4 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
5 Mabel Margaret DeWare	Moncton	Moncton
6 Erminie Joy Cohen	New Brunswick	Saint John
7 John G. Bryden	New Brunswick	Bayfield
8 Rose-Marie Losier-Cool	Tracadie	Bathurst
9 Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent
10		

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3		
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gildas L. Molgat	Ste-Rose	Winnipeg
2 Mira Spivak	Manitoba	Winnipeg
3 Janis Johnson	Winnipeg-Interlake	Winnipeg
4 Terrance R. Stratton	Red River	St. Norbert
5 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
6 Richard H. Kroft	Manitoba	Winnipeg

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver
3 Jack Austin, P.C.	Vancouver South	Vancouver
4 Pat Carney, P.C.	British Columbia	Vancouver
5 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
6 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 Eric Arthur Berntson	Saskatchewan	Saskatoon
3 A. Raynell Andreychuk	Regina	Regina
4 Leonard J. Gustafson	Saskatchewan	Macoun
5 David Tkachuk	Saskatchewan	Saskatoon
6 John Wiebe	Saskatchewan	Swift Current

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Nicholas William Taylor	Sturgeon	Bon Accord
4 Thelma J. Chalifoux	Alberta	Morinville
5 Douglas James Roche	Edmonton	Edmonton
6 Tommy Banks	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador .	St. John's
6 Raymond G. Squires	Newfoundland	St. Anthony

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
<hr/>		
THE HONOURABLE		
1 Thérèse Lavoie-Roux	Quebec	Montreal, Que.

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31		
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31							
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31							
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

[illegible]

COMMONS PUBLIC BILLS

[illegible]

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance					
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31							
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31							
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31							

PRIVATE BILLS

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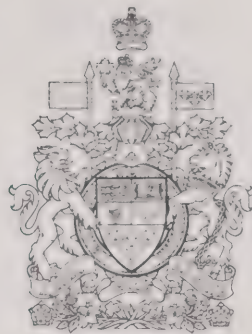
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CANADA

Debates of the Senate

1st SESSION

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37th PARLIAMENT

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VOLUME 139

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NUMBER 4

OFFICIAL REPORT
(HANSARD)

Tuesday, February 6, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, February 6, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE CHARLES MCELMAN

TRIBUTES

Hon. John G. Bryden: Honourable senators, the Honourable Charles McElman, New Brunswick senator, Nashwaak Valley, who served his country with honour and distinction for more than half a century — nearly half of that period in this chamber — died since we last met. Retiring in 1990, his contribution to the public life of his province and country will long be cherished and remembered.

In life, as in death, he was a modest man. His instructions that there be no eulogy at his funeral were honoured. In his January memorial service in Fredericton, the order of service of the Anglican *Book of Common Prayer* was followed. In his homily, the Reverend Barry Crais told those attending:

In keeping with this modesty, this service is deliberately simple. On more than one occasion Charles McElman told me of his admiration for this form of burial service, which was the same, as he said, "for princes as for paupers."

Honourable senators, the service had to be moved from his home church to a larger one in order to accommodate the more than 400 people who attended to mourn and remember Charles McElman. Representing this chamber were Senator Corbin and myself, and Senator Kinsella and Senator Atkins from the opposition.

There is so much to remember about Charles McElman. His career spanned that of a junior bank employee, wartime service in the Royal Canadian Air Force, secretary of the New Brunswick Liquor Control Board, personal secretary to Premier John McNair, the first executive secretary of the New Brunswick Liberal Association in its first permanent party office, executive assistant to Premier Louis J. Robichaud, and member of the Senate of Canada for 24 years.

After a devastating defeat of the McNair Liberal government in 1952, Charles McElman worked tirelessly for the next eight years to rebuild the Liberal Party in New Brunswick. Working in partnership with Louis Robichaud, who became party leader in 1958 and premier in 1960, they boldly tackled the deep-seated economic and social problems of New Brunswick, particularly the plight and crisis of rural life. Together they were determined to bring about changes that would bring social justice and

equality of opportunity to the people of New Brunswick. The Program for Equal Opportunity, which was developed in the face of fierce opposition by some, stood then and stands now as one of the most innovative social reform programs undertaken in this country.

In 1966, Charles McElman was summoned to the Senate of Canada. He became, to use his words, "a committee man." A stickler for rules and proper processes and procedures, he served throughout his career in the upper chamber on two committees little known outside the Senate: the Standing Committee on Internal Economy, Budgets and Administration Committee, and the Standing Committee on Privileges, Standing Rules and Orders. Over the years, he also served on a number of other committees, including the Transport Committee — so important to Atlantic Canada — the Defence Committee and the Foreign Affairs Committee. He is remembered as being a key member of the Special Committee on Mass Media, which was concerned with media concentration.

The rebel and reformer in Charles McElman came out in the Senate when he battled what was then its most powerful committee — the Banking, Trade and Commerce Committee. He objected to those on the committee with directorships in financial institutions examining bills that affected those same institutions without declaring a conflict of interest. Traditionally, that committee was the only one to exclude senators not on that committee from its *in camera* sessions. Charles McElman successfully battled to have the Banking, Trade and Commerce Committee follow the rules laid down for all committees in the Senate.

Honourable senators, Charles McElman was a strong defender of the role of the Senate of Canada as it existed. However, he said he would defend an elected Senate provided it met the Triple-E concept: elected, effective, equal representation by province. He said he thought this development unlikely, however, with the country's premiers so dedicated to their concept of executive federalism.

Charles McElman never shied away from the designation of "politician." He said:

I continue to wear the designation of politician as a badge of honour. In my view it is one of the highest callings that anyone can aspire to.

Honourable senators, Charles McElman regarded the future of the Senate with confidence. He noted on his retirement that only nine senators remained who were in the chamber when he was appointed. He said:

He said:

There is an exceptional turnover that does actually occur in this non-elected body. Each infusion of new senators, new ideas and new energies causes a continuing evolution — dare I say reform — to the important work of the chamber and its many committees.

• (1410)

As for the future, Charles McElman said he was confident the Senate would continue to function well in our bicameral system to the benefit of all Canadians. He said: "It would continue to reform itself from within. It should not delay while awaiting reform from without."

As I said earlier, Charles McElman was a modest man. That is not to say he could not be a tough man in dealing with political issues. There are many still in New Brunswick and elsewhere in this country, friends and foes alike, who bear scars from their political relations with him. Charles McElman, in all things he did, always had the courage of his convictions and what he viewed as the best interests of his party, his province and his country. Most of the time he was right. He was always proud of his earlier days as a consummate backroom political operative. The fact that he was able to evolve to become comfortable in the front room of the Senate of Canada showed his capacity to accept changed roles.

Pierre Elliott Trudeau was Prime Minister for two-thirds of the time Charles McElman was in the Senate. When he retired from the Senate, Prime Minister Trudeau said:

I soon came to understand what an astute politician Charles McElman is. His integrity is total, as is his unwavering support of the Liberal Party of Canada. I always admired Charles McElman for his excellence.

Louis Robichaud expressed his admiration at the time of former Senator McElman's retirement by saying:

Never in my life have I met a man so dedicated, so loyal, so courageous, so cooperative, so understanding and so willing to serve the cause of his fellow man. His contribution has been immense.

Former Premier Frank McKenna said, "A team player, he offers views and advice that let the chips fall where they may."

When Charles McElman worked in his home study, he was always in view of a card on his bulletin board with a quote from Adlai Stevenson, which states as follows:

Democracy is not self-executing. We have to make it work and to make it work we have to understand it. Sober thought and fearless criticism are impossible without critical thinkers and thinking critics.

When he retired in 1990, 14 senators paid him tribute in this chamber. One of them was former Prince Edward Island Senator

Lorne Bonnell, who captured much of the essence of Charles McElman when he said that:

Charles McElman was not only a Liberal but a reformer; a man with ideas, prepared to fight for those ideas and a man who not only thought of himself but he thought of the poor, the underprivileged, the disabled and those in need in this country.

Charles McElman loved his family and his devoted wife, Jessie, who predeceased him. His death is a great loss, but we have so much to be grateful for in remembering him and his great contribution to public life.

I suspect that former Senator Charles McElman would have liked us to remember him for one more thing: being one of the most accomplished fly fishermen on his beloved Nashua River.

In closing, honourable senators, I want to acknowledge the contribution of Senator McElman's long-time friend and political ally, Wendell Fulton, to these few words of tribute in his honour.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition)
Honourable senators, as indicated by Senator Bryden, a few weeks ago we gathered at Christ Church Parish Church in Fredericton to celebrate the life of our friend, former Senator Charles McElman.

As Senator Bryden said, the format of the funeral ritual was, at Charlie's request, a simple liturgy of the Common Book of Prayer. Notwithstanding the presence of several lords spiritual and the persons of the current and former Bishops of Fredericton and a church overflowing with the participation of public and private sector officials, the province bade farewell to one of her most faithful sons.

Born in Devon, on the north side of the Saint John River, at Fredericton, Charlie was a wonderful New Brunswicker and a great Canadian. Indeed, his special tie to our province was symbolized by the fact that his day of birth was June 18, the same day of the year on which, in 1784, at the Court of St. James, there was issued the proclamation which gave birth to the Province of New Brunswick. Educated in New Brunswick, Senator McElman served his country during the Second World War with the Royal Canadian Air Force.

The field of banking and service as secretary of the New Brunswick Liquor Control Board profited from his work prior to becoming a pivotal counsellor and ally to Liberal premiers of our province.

Senator McElman had been a careful political thinker and an astute strategist. As a political scientist, he had recognized that the question of the relationship between political theory and political action has exercised students of politics and political militants since antiquity. "No practice without theory," Charlie would declare — no doubt with the approval of Plato and Aristotle.

The equal opportunity program introduced in New Brunswick by Senator Louis J. Robichaud's government in no small way carried the mark of Senator McElman, who directed operations in the premier's office during that era.

Equally remarkable had been the fortitude and strength of Senator McElman during the Senate inquiry into the concentration of ownership of the media. He would no doubt welcome a renewed study today.

Honourable senators, our friend who sat in this chamber located on the banks of the Ottawa never forgot the solid values he learned as a boy in Devon along the banks of the Saint John. Like the Eighth Duke of Devonshire, Spencer Compton Cavendish, Charlie McElman had frequently held high office in liberal affairs, but not so much with the orientation of Cavendish's whigs as with the politics of Canadian liberal parties.

A man of conviction but a fair man and one ready to share wise counsel, I recall one of my last encounters with Charlie. It took place along the fish tackle aisle at the Canadian Tire store in Fredericton. Charlie, as indicated by Senator Bryden, was a master fly fisher. He inquired of me if I had been fishing recently. I replied that I had not because I had been too busy, whereupon he advised that any man who was too busy to go fishing is too busy.

In bidding farewell to Charles Robert McElman, we pay tribute to a native of Fredericton, an airman who served his country in a time of need, a political thinker and strategist and an honourable member of this chamber. May he now be at peace in the bosom of Abraham.

[Translation]

• (1420)

Hon. Eymard G. Corbin: Honourable senators, the Honourable Charles McElman was a distinguished gentleman and a man of principle. He was my mentor in the Senate, even before my appointment to the Senate. As Senator Bryden so eloquently put it, he would have been embarrassed by all the tributes paid to him today.

He was known for his hard work, his loyalty, his strength of mind, his tremendous compassion and his discretion. For the major part of his life, he was a public figure, but he was also a very humble man.

He was a pillar here in the Senate and also in the New Brunswick Liberal Party. He retired early because he loved his family, especially his wife. He truly believed that public life first in New Brunswick and then in Ottawa had kept him away from his dear ones, especially his wife, and he wanted to make up for lost time.

I made it a point of attending his funeral to pay him a personal tribute. He was a wise but firm advisor to me. I owe him a lot. I am very grateful to him, and I will remember him for a long

time. I learned a great deal just by watching him take part in our debates and meetings and by following his advice.

[English]

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

Hon. Gerry St. Germain: Honourable senators, earlier today I gave written notice of my question of privilege to the office of the Clerk. I believe it has been circulated to all senators. I apologize for not providing it in both official languages, but I just do not have the resources to do so.

The six bases for my question of privilege are as follows. First, at page 56 of *Bourinot's Parliamentary Procedure*, it states:

It has been frequently decided that the following matters fall within the category of breach of privileges:

1. Disobedience to, or evasion of, any of the orders or rules which are made for the convenience or efficiency of the proceedings of the house.

Second, Joseph Maingot states that, to constitute privilege, generally there must be some improper obstruction to the member performing his parliamentary work in either a direct or constructive way.

Third, discussions have taken place in this chamber regarding my status and the status of the Leader of the Opposition in the Senate. These discussions have not included me and have resulted in a denial of my privileges in this chamber.

Fourth, in 1993, the Speaker of the other place ruled on matters relating to the orders of that place and agreed that they were indeed questions of privilege. The particular situation dealt with the late tabling of a government response to a committee of the other place. In his ruling on April 19, 1993, at page 18106 of the Commons Debates, the Speaker said as follows: "Members cannot function if they do not have access to the material they need for work and if our rules are being ignored..."

Fifth, most members of either chamber would agree with this Speaker's rulings. Of particular importance is the recognition by the Speaker that ignoring the rules of that place constituted a breach of privilege.

Sixth, the particular traditions and precedent being ignored here are related to the first rule of the Senate of Canada.

The very first section of Canada's *Rules of the Senate* states that precedent and tradition are critical elements in any decision made by the Senate that deals with the question not covered in the rules. Rule 1(1) states:

In all cases not provided for in these rules, the customs, usages, forms and proceedings of either House of the Parliament of Canada shall, *mutatis mutandis*, be followed in the Senate or in any committee thereof.

Our "customs, usages, forms and proceedings" require that we look to three sources for governance of this place. The first place is in the rules themselves. The second is precedent. The third is in the traditions of this place.

Given that we have no rules governing the selection of the official opposition in the Senate, we are required by our own rules to examine the precedents and traditions. There is no precedent for the Senate itself, but precedents from the House of Lords and from the Australian Senate are most clear. The official opposition in the upper chamber is selected with a reference to the party serving as official opposition in the lower chamber.

Finally, we must look to our own traditions. Our own traditions show over 100 years of government and opposition leaders in the other place selecting their respective counterparts in the Senate.

Therefore, the necessary requirements for the selection of the leader of the official opposition in the Senate of Canada are clearly laid before us. I see no rational reason other than "might makes right" for this breach of our rules.

Finally, I ask leave of the Senate to table a research document that will provide the chamber and its officials with the background research on this very important matter.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator St. Germain: Thank you, honourable senators.

In accordance with the rules, at the completion of the Orders of Day today, I will go into more detail with respect to this issue. I wish honourable senators to know that I am prepared to have this matter referred to the Standing Committee on Privileges, Standing Rules and Orders so that they can examine this and report back.

The Hon. the Speaker: Honourable senators, Senator St. Germain has deposited with the Clerk, in a timely manner, a notice of a question of privilege and has called our attention to it under Senator's Statements as required by rule 43. The Senate shall take up consideration of whether the circumstances constitute a question of privilege. This will occur not later than eight o'clock this evening or immediately after the Senate has completed consideration of Orders of the Day for today's sitting, whichever comes first.

We shall now continue with Senators' Statements.

THE LATE AL WAXMAN, O.C.

Hon. Jeremiah S. Grafstein: Honourable senators, I rise in tribute to the late Al Waxman. Acting can be the most perilous of professions. An actor's persona becomes someone else's commodity, always at risk to the vagaries of public taste. Choices give way to the imperative of work and work in turn becomes fodder for criticism. To be an actor demands hidden reserves of confidence to overcome obstacles to recognition.

Behind the sparkling smile, Al Waxman husbanded this hidden confidence in abundance. Recently I wrote Al a long, discursive letter about his zestful autobiography. I quickly received a moving and cheery call. Al and I had been friends for over 40 years, since our student days at Western and then at the University of Toronto Law School in the 1950s. When we next met, Al laughingly said to me, "Think of it, Jerry. You are a failed actor and I am a failed lawyer. Now, who has had the more successful career?"

"You, Al," I said, "you, of course."

Back in the 1950s, Al chose insecurity over security, succeeding beyond anyone's imagination except his own. He never stopped working. His career resonated from acting to directing and even to songwriting, from *King of Kensington* to directing *Anne Frank*. From starring in *Death of a Salesman* to the avuncular police captain in *Cagney & Lacey*, Al never stopped improving.

My favourite was his portrayal of the venal Jack Adams in the hockey classic, *Net Worth*. For you see, he was inoculated early with the Talmudic gene for the endless search for personal perfection.

So let us all mark his cenotaph. Rarely does any actor transcend his time and place in Canada as Al did. He was quintessentially Canadian, choosing to live and work here though the lure of New York, Hollywood and even London beckoned. Nothing so exemplified Al's quest for personal perfection than the role he was slated to star in this summer at Stratford. He was to play the controversial Shylock in *The Merchant of Venice*. He reckoned this posed a great critical risk. He was obsessed with striking the appropriate artistic balance, and so he did what he always did: He studied. He was never an accidental artist.

Honourable senators, Al Waxman was more. He owned other gifts. He had the gift of friendship and the gift of giving. There was no charitable event across Canada too large or none too small that he would not help.

• (1430)

Al, like all actors, vacillated between the hunger for celebrity and the hunger for self-improvement. Yet he never wavered in his gift of giving. He lived the Judaic ideal that dictates that charity is the highest human act of all.

May I tell one small political story, honourable senators. In the first Lastman campaign for mayor of Toronto, I asked Al to participate in a cultural task force to craft a cultural policy for the new Toronto. This, I thought, was necessary to counter the overwhelming support that Lastman's opponent was receiving from the cultural establishment in Toronto. Al joined our group with gusto and imagination. When Lastman's campaign badly lagged a week before the election date, Al called and said, "Let me take him out for a walk around Kensington to pick up his spirit and see if we can boost his numbers." Al felt his celebrity would rub off. True to his word, Al did exactly that. He "main-streeted" with Lastman and was instrumental in helping turn around the faltering Lastman campaign. Everyone knew Al, but everyone loved Al.

The day after the election, Al called me and said, "Now, let's put that cultural policy in practice." He never stopped working.

Al loved his profession, but above all he loved his family. When his wife, Sarah, told me that he had died of heart failure, I told her, "That simply could not be. Al's heart could never fail."

Al, we are still dismayed that you left us so abruptly. We are still angry we were robbed, so prematurely, of your gift of company. So now, all I can say to you is, "Al, go to heaven."

May I conclude with a quote from Scriptures: "See the man who is diligent in his work. He shall stand before kings."

Al did and was.

Translation]

JUSTICE

QUEBEC—OPPOSITION TO BILL TO AMEND YOUNG OFFENDERS ACT

Hon. Jean-Claude Rivest: Honourable senators, I should like to draw your attention to the bill on young offenders, which creates considerable problems in many regions of Canada, but Quebec in particular.

All senators need to be aware of the fact that all professionals working with delinquent youth in Quebec object very strenuously to the contents of the bill to amend the Young Offenders Act, which was introduced in the House of Commons yesterday.

When I speak of professionals, I include not only justices and Crown attorneys, defence counsels and police officers, but also and particularly all the men and women working within government organizations, as volunteers, or with the social integration of young offenders.

We can readily understand that a country as large and diversified as Canada can have a number of approaches to the problem of young offenders. I believe the Minister of Justice has a good grasp of the reality, but she also needs to translate that reality into the bill she is introducing, in order to allow any provincial government the freedom to adopt a particular approach to juvenile delinquency, or to continue the approach it is already using.

In Quebec, honourable senators, the approach to young offenders is far more focussed on rehabilitation. The general philosophy in Quebec has been quite successful; the statistics indicate that there have been absolutely remarkable results with delinquent youth. In fact, those results are the best in all of Canada.

I would call upon the honourable senators to make their colleagues, and the minister in particular, more aware of this reality, and of Quebec's objection to certain provisions of this bill. This bill is a federal responsibility, since it falls under the Criminal Code, but it is a social issue above all.

[English]

THE LATE DAVID IFTODY

TRIBUTE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise to speak on the recent death of Mr. David Iftody, the former Member of Parliament for Provencher, who died on Monday at the age of 44 from an apparent stroke.

Many of us knew David in his capacity as chair of the Liberal rural caucus and as a member of the Standing Committee on Industry in the other place. David came to see me while I was the leader of the Liberal Party of Manitoba to discuss his decision to run in the Provencher constituency in eastern Manitoba. It was not a traditional Liberal riding. In fact, it was held for many years by the Honourable Jake Epp. However, David was energetic and enthusiastic about his chances because Mr. Epp was stepping down. As it turned out, he was right.

David was dedicated to the needs of his constituency from the time he was first elected in 1993. He loved being a Member of Parliament and gave it his all, both of his time and of his effort.

A social worker by profession, David worked for many years at the Manitoba Youth Care Centre and was always interested in keeping in touch with young people and involving them in the political process.

During the Red River floods of 1997, many of us remember seeing David on television and in the newspapers working side by side with the people who lived in the flooded communities — his communities — and serving as a strong voice on their behalf during those difficult times. David was very involved with his riding and with his constituents. He was proud to represent them and to work on their behalf.

David's death, coming as it did without warning and totally unexpectedly, reminds us all to treat each day as something important and of value. David did, and I believe he would want all of us to do the same.

I extend my condolences to his very extended family.

Rest in peace, David.

CAMPAIGN FOR FAIRNESS BY PREMIER OF NOVA SCOTIA

Hon. Donald H. Oliver: Honourable senators, one of our responsibilities under the Constitution Act is to represent the interests of the regions of Canada. With that in mind, I am pleased to call the attention of honourable senators to a campaign of fairness launched by the Premier of Nova Scotia, the Honourable John F. Hamm. The purpose of this campaign is to urge the federal government to fulfil its obligations under section 36(1) and (2) of the Constitution Act, 1982. Nova Scotia is not seeking special treatment but wants to ensure that the Canadian government honours its constitutional commitments and agreements with the province.

Last November, honourable senators, Atlantic premiers sent a joint letter to the Prime Minister outlining the region's concern that the equalization program has not been fully realized. The fiscal capacity of Atlantic provinces is still 7 per cent below those of others. This disparity damages the ability of Atlantic provinces to offer services comparable to those provided in other provinces. The Atlantic premiers have called for consideration of three fundamental initiatives: the adoption of a national average standard for equalization, which would thereby assure that the program is truly committed to equalization; the removal of the GNP ceiling on equalization payments; and finally, broadening of the revenue coverage of the program, which would include user fees as a revenue source.

These initiatives will improve the equalization program, an improvement that would add an additional \$248 million to Nova Scotia's treasury. The initiatives would also empower the Atlantic provinces to provide comparable qualities of public service.

Apart from the equalization program, Nova Scotia's concerns also relate to the benefits of the offshore resources. The province feels it should be a principal beneficiary of any resources off the shore of the province, as outlined in the Canada-Nova Scotia Offshore Petroleum Resources Accord of 1986.

Honourable senators, Nova Scotia and the Atlantic provinces should be supported in every effort that would decrease dependence upon federal funding and transfers. Premier John Hamm will be speaking at the National Press Club's Newsmaker Breakfast tomorrow, February 7, on the subject of his campaign for fairness. I urge all honourable senators to attend so that they can understand the significance and lend their support to this important initiative.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Senators' Statements has expired. I have on my list Senators Fairbairn, Spivak and Johnson. I anticipate that some of them wish to speak out of respect for our former colleague.

The rule is very strict on Senators' Statements. However, it does provide that either whip might approach the Chair for an

extension of time. In the absence of that, I have no choice but to move on to the next item.

• (1440)

Hon. Mira Spivak: Honourable senators, I wish to ask leave to pay tribute to David Ifody.

The Hon. the Speaker: Honourable Senator Spivak, the rule is very clear. Time has expired. We can return to Senators' Statements tomorrow, but we are unable to do so today.

Senator Spivak: I wanted simply to ask leave to say a few words of tribute to David Ifody.

Some Hon. Senators: Tomorrow.

The Hon. the Speaker: I cannot accept that request under Senators' Statements. Senator Spivak, I am bound by the rules. This is a matter on which we have spent considerable time and to which my predecessor and I are sensitive in terms of our desire to limit the time and length for Senators' Statements.

[Translation]

ROUTINE PROCEEDINGS

CANADA BUSINESS CORPORATION ACT CANADA COOPERATIVES ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government): presented Bill S-11, to amend the Canada Business Corporation Act and the Canada Cooperatives Act and to amend other Acts in consequence.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY MEETING FROM
SEPTEMBER 25 TO 29, 2000—

REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association, which represented Canada at the Fourth Part of the 2000 Session of the Parliamentary Assembly of the Council of Europe, in Strasbourg, France, from September 25 to 29, 2000.

UNITED STATES NATIONAL MISSILE DEFENCE SYSTEM

NOTICE OF MOTION RECOMMENDING THAT THE GOVERNMENT NOT SUPPORT DEVELOPMENT

Hon. Douglas Roche: Honourable senators, I give notice that two days hence, I will move:

That the Senate of Canada recommends that the Government of Canada avoid involvement and support for the development of a National Missile Defence (NMD) System that would run counter to the legal obligations enshrined in the Anti-Ballistic Missile Treaty, which has been a cornerstone of strategic stability and an important foundation for international efforts on nuclear disarmament and non-proliferation for almost 30 years.

[Translation]

SITUATION OF OFFICIAL LANGUAGES IN ONTARIO

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Thursday, February 15, 2001, I will call the attention of the Senate to current issues involving official languages in Ontario.

[English]

EMPLOYMENT DISCRIMINATION

INFLUENCE OF COCA-COLA SETTLEMENT—NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, I give notice that on Thursday next, I will draw the attention of the Senate to the Coca-Cola settlement and the preceding lawsuit regarding racial bias in order to inform the Senate about recurrent issues concerning employment discrimination. I will also refer to the details of the settlement, analysis of the case, the reality of North America's corporate culture and the importance of the issue to Canada.

CANADIAN BUSINESS AND GOVERNMENT BUREAUCRACY

NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, I give notice that on Thursday next, I will draw the attention of the Senate to the relationship of Canadian business and the Ottawa bureaucracy and how it was affected by the recent circulation of a memorandum by Peter Dey, the former chair of the Ontario Securities Commission and now Chairman of Morgan Stanley Canada. I will also draw honourable senators' attention to that relationship in relation to a recent publication by the Public Policy Forum dealing with the two solitudes.

HISTORICAL IMPORTANCE OF PROCLAIMING FEBRUARY BLACK HISTORY MONTH

NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, I give notice that on Thursday next, I will draw the attention of the Senate to the historical importance to Canadians of February being proclaimed Black History Month.

THE NATIONAL ANTHEM

NOTICE OF INQUIRY

Hon. Vivienne Poy: Honourable senators, I give notice that on February 8, 2001, I will call the attention to the Senate to the National Anthem.

QUESTION PERIOD

ENVIRONMENT

SPEECH FROM THE THRONE— MEASURES TO PROTECT CHILDREN'S HEALTH

Hon. Mira Spivak: Honourable senators, my question relates to the Speech from the Throne, but first let me congratulate the government on the many stated or implied environmental and health initiatives in the speech. There is a good deal in there on which I am sure we can all agree, but the devil, of course, is in the details. I was particularly interested in the statement that the government will strengthen laws and research efforts to develop appropriate standards for toxic substances and environmental contaminants that will reflect the special vulnerabilities of children. This was something many witnesses called for in our committee hearings on the Canadian Environmental Protection Act and something that we on this side supported, but the government at that time was not ready to accept it. It is also in keeping with the motion unanimously passed by this chamber some 15 months ago urging the government to establish an office of children's environmental health.

My question for the Leader of the Government in the Senate — and I wish to take this occasion to congratulate her again — is this: By what mechanism does the government intend to fulfil this pledge contained in the Speech from the Throne?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Spivak for her question. I am sure that we were all delighted in the chamber to hear references made yet again in the Speech from the Throne — because it is not the only reference — to work that this institution has done and to recognize that work in terms of suggestions we have made in our study of legislation. However, I cannot answer the question of the honourable senator as to the nature of mechanism. I know that it is still in the planning stages, and I will obtain information for the honourable senator as soon as possible.

Senator Spivak: In obtaining that information, perhaps the Leader of the Government could answer my other questions. Will CEPA be revisited before the mandatory five-year period in this particular instance? Will an office of children's environmental health be established within a department or separate agency? Finally, how soon we can expect action on this issue?

• (1450)

Senator Carstairs: Honourable senators, I thank the honourable senator for her supplementary question. I will add to my inquiry to the Minister of the Environment her questions as to when they expect to get the mechanism up and functioning; whether CEPA will, indeed, have a mandatory five-year review; and whether we will establish an office on children's health.

AUDITOR GENERAL

EFFICACY OF APPOINTMENT PROCESS TO BOARDS OF CROWN CORPORATIONS—PROPOSAL TO DEVELOP SKILLS PROFILES—GOVERNMENT POLICY

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. It has to do with Crown corporations.

Canada's Auditor General Denis Desautels has outlined several serious deficiencies in the way Crown corporations are governed. The weaknesses fall into three areas: weak boards of directors, ineffective audit committees, and the government's inability or unwillingness to challenge corporate plans before approving them.

With respect to the boards, the Auditor General makes several specific recommendations, including the development of a board skills profile before appointments are made, with selection to be based on that profile. Is it the intention of the Government of Canada to ensure that, in the future, Crown corporations submit board skills profiles to the appropriate minister, to the Privy Council Office and to the PMO? Will the government ensure that it acts upon these stated requirements in its selection of directors?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. In his report, the Auditor General has indicated his grave concerns with respect to appointed boards of directors of Crown corporations. However, it is important for all of us to remember that the most important principle must be good corporate governance, something which that is essential for the operation of all Crown corporations. The government is determined to appoint qualified and competent persons; however, it will also respect the need for diversity, for geographic balance and, indeed, for gender and visible minority balance, all of which are necessary in the appointment process concerning Crown corporations.

The government has also made strides with regard to the time a director remains in office, which in itself can contribute to good governance. If there is too much turnover, then, clearly, the principles of good governance are not well established.

EFFICACY OF CROWN CORPORATION AUDIT COMMITTEES— GOVERNMENT POLICY

Hon. Donald H. Oliver: Honourable senators, I thank the honourable leader for her answer to my question. I should now like to address the Auditor General's concerns about audit committees.

Honourable senators, in the private sector, the audit committee is the engine of a well-functioning board, yet the Auditor General has found that half of all Crown corporation audit committees are operating below an effective level. Two of the 14 audit committees examined did not have even a single member with any accounting or financial management experience. In other words, they could barely understand financial statements, and certainly would not ask probing questions about the corporation's financial risks and accounting.

Could the Leader of the Government in the Senate advise the Senate as to what specific steps the government will take to ensure that those who sit on Crown corporation audit committees are at least able to read the balance sheet and challenge the numbers that are laid before them?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, obviously, it is important that skilled people sit on boards of directors, whether on Crown corporations or private corporations. Clearly, a knowledge of how to read a balance sheet is an important skill. At one point in time in this country we thought that the only people who were appropriate for certain positions in life were lawyers. It now seems that the only people appropriate for certain positions in life are chartered accountants. I think we have to find a balance in all things.

HUMAN RESOURCES DEVELOPMENT

EMPLOYMENT INSURANCE FUND— DISCLOSURE BY EMPLOYMENT INSURANCE COMMISSION OF CRITERIA IN DETERMINING PREMIUM RATES

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. It has to do with the Employment Insurance Fund. I have asked this question every year for the last four years. I first asked the question when the surplus was around \$8 billion. It is now \$35 billion, and growing. That amounts to three years' worth of benefits.

Premiums are supposed to be set at a level that will cover the cost of the program while ensuring stable rates over a business cycle, yet the government continues to set premiums at levels that drive that surplus up further.

On at least two separate occasions the Auditor General has recommended that the government and the EI commission disclose the way the EI legislation is interpreted when premiums are set. Could the minister advise us as to why no such disclosure was made when premiums were set for this year on December 31?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. The Auditor General has again raised the concern of the lack of clarity in the EI system. That is exactly why last December the government accepted the advice of the EI Commission to cut premiums for 2001 by \$1.2 billion by lowering the premium rate by 15 cents. That is in addition to the \$5.2 billion in savings to Canadians resulting from other reductions over the past six years.

At the time of tabling Bill C-44, the government committed itself to developing a new EI rate setting mechanism. That bill, under a different number, has now been introduced in the House of Commons. It will come to the Senate very soon. I hope that the Honourable Senator Stratton can provide a lively discussion in that committee debate.

Senator Stratton: Honourable senators, I should like the minister to clarify one point. She stated that the rates set in December were done so on a fair basis. The EI actuary has stated that to break even the program could run on premiums of \$1.75. That amount would still look after all the requirements. However, the rate is \$2.25. Can the minister explain the difference?

Senator Carstairs: Honourable senators, as the honourable senator knows, in the ultimate analysis of any situation, the government must decide what the final rate should be. I think the government is exercising caution in this regard, caution which is worthy of merit.

Senator Stratton: Honourable senators, if we have a surplus of \$35 billion, why do we need a surcharge of 50 cents? There is a \$35-billion surplus sitting there. Surely to goodness we could set the rate at \$1.75, allowing the rates to drop considerably.

Senator Carstairs: Honourable senators, the rates have already dropped considerably. The government is monitoring this situation most carefully, which is exemplified by the number of reductions that have taken place over the last few years.

[Translation]

HERITAGE

AUDITOR GENERAL'S REPORT—EFFICACY OF ALLOCATION PROCESS FOR GRANTS

Hon. Pierre Claude Nolin: Honourable senators, last year the media had a field day with the administrative problems at the Department of Human Resources Development and later the Canadian International Development Agency.

Today, we learn from the Auditor General's report that it is the Department of Canadian Heritage's turn to have problems with its grant approval process. This is not the first time the Auditor General has made such a remark.

In 1998, the Auditor General of Canada had already warned Parliament about the serious shortcomings in the grant approval process under Heritage Canada's Multiculturalism Directorate. It

is clear from the Auditor General's report that the situation has grown worse.

In fact, 19 per cent of the files examined in an internal audit did not meet Treasury Board's standards of due diligence. Furthermore, 37 per cent of applications for which grants were approved were considered barely acceptable. So, in 56 per cent of the cases examined in the internal audit, a grant was approved for reasons I would characterize as dubious.

Can the minister tell us why, in the space of two years, the situation has grown worse rather than better?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Nolin for his question. There may be some dispute as to the facts set out in his particular question.

• (15:00)

As the honourable senator indicated, when the Auditor General released his report in 1998, he pointed out some concerns to the Department of Canadian Heritage. Since that time, audits have become a standard practice in that department. Management has accepted and has already addressed most of the recommendations of the Auditor General's follow-up audit, which has taken place, and the department has clarified its strategic objective and has provided additional training for staff, strengthened control and assessment mechanisms and implemented an enhanced management framework. The Auditor General himself noted that the department has undertaken a number of initiatives to address the problems we found and to strengthen due diligence across the department.

[Translation]

ROLE OF MINISTER WITH REGARD TO APPROVAL OF GRANTS

Hon. Pierre Claude Nolin: The Auditor General tells us that in 1998, 30 per cent of grants approved did not meet Treasury Board's due diligence requirements. Now, in 2001, 56 per cent of files fail to meet these requirements. I respect the figures given by the Auditor General. In spite of everything, the conclusion now reached is that all the department's efforts were in vain. Things have simply gotten worse. Could the minister tell me what role the Minister of Canadian Heritage plays in the grant approval process?

[English]

Senator Carstairs: The honourable senator has asked: What is the role of the minister? Honourable senators, it is the role of the minister to ensure that due diligence is practised and that the auditing recommendations are fulfilled to the best of her ability. The Auditor General has noted that there have been a number of important initiatives to address the problems and to strengthen the due diligence across the department. For that, the minister should be congratulated.

[Translation]

Senator Nolin: My question is more specific than that. What the role the Minister of Canadian Heritage is required to play in the granting process within the multiculturalism directorate?

[English]

Senator Carstairs: Ultimately, honourable senators, the minister is responsible for anything in her department.

Senator Nolin: She is signing off on a contribution. She has no authority to give away that money.

Senator Carstairs: Quite frankly, honourable senators, I do not know if the minister signs off on every single grant. However, I will get that information for the honourable senator. Ultimately, she is responsible.

HEALTH

NEW BRUNSWICK—FUNDING OF ABORTION SERVICES

Hon. Lowell Murray: Honourable senators, my question is for the Leader of the Government in the Senate. In the view of the federal government, which of the principles of the Canada Health Act does New Brunswick violate by its decision to fund only those abortions that are conducted in its public hospitals?

Hon. Sharon Carstairs (Leader of the Government): I wish to thank the honourable senator for his question regarding the issue of abortion services not only in the province of New Brunswick but also in the other provinces across this country.

Honourable senators, it is very clear that necessary medical services are to be paid for. That is part of the underlying principle of the Canada Health Act and it is the part of the Health Act to which the reference should be made.

Senator Murray: Well, perhaps the leader could explain to me in what respect that principle, which would be the principle of public administration and funding, is violated by the decision of the Province of New Brunswick and also of Manitoba, as she notes implicitly, to regulate the performance of abortions in that way?

Senator Carstairs: The honourable senator should know that all insured physician services and hospital services should be provided at no cost to insured persons — that is, to almost every person living in this country — certainly all Canadian citizens — whether those services are provided in a hospital or in a clinic. The essence is: Is it an insured service?

Senator Murray: My friend says, "The essence is: Is it an insured service?" The five Canada Health Act principles are very clear. How can the government insist that the Province of New Brunswick or the Province of Manitoba, which have the right, as all provinces do, to regulate health services, are in violation of the Canada Health Act when the service is available in its public hospitals and is paid for as an insured service in that way?

While I am on my feet, I might ask the minister whether she would obtain a formal statement from her colleague the Minister of Health, as well as a copy of any written communication that surely would have been sent by Mr. Rock to the provinces in question.

Senator Carstairs: Honourable senators, I will answer the second part of the question first. Yes, I will undertake to find a formal statement or communication between the Honourable Minister of Health and the respective minister in the Province of New Brunswick.

I wish to remind the honourable senator that in September 2000 all first ministers agreed, in a document which they signed, that they would uphold the principles of the Canada Health Act. Ensuring that an insured service is protected, whether it is provided in a clinic or in a hospital, is one of the commitments.

Senator Murray: While the minister is inquiring of the Minister of Health on that matter, perhaps she would return to the specific question I asked in the first place. The principles of the Canada Health Act are universality, accessibility, comprehensiveness, public administration and portability among the provinces. Which of those principles is being violated, either New Brunswick or Manitoba, or by any other province, in the case of abortions?

Senator Carstairs: Honourable senators, I would suggest that perhaps, up to three of the principles are being violated, namely universality, accessibility and, in cases involving women in Prince Edward Island, portability.

AGRICULTURE

ADEQUACY OF GOVERNMENT SUBSIDIES TO GRAIN FARMERS

Hon. Leonard J. Gustafson: Honourable senators, everyone in this chamber knows, there has been a lot of talk about agriculture but little action, to the point where it is very serious. A professor who teaches at the University of Saskatchewan and at the University in California was on CBC radio this morning saying that in this past year the subsidies in the U.S. have been historically higher than ever and will be higher next year than they are now — that is, approximately \$25 billion. We keep getting the answer from our government, "We will try to get the Americans and the Europeans off subsidies." That will not happen.

My question is this: When will the government realize that this is a serious problem? The professor predicted that next year farm income in the grain sector — not the dairy sector or some of the other sectors under the board — will be down considerably from what it is this year. Farms cannot survive that situation. It is now to the point where the government must do something to save this industry in Canada. There was little mention of it in the Speech from the Throne, even after the farmers demonstrated here. There was no mention of it as the Prime Minister met with the President of the United States, and I guess that is to be understood. However, other things were mentioned.

The question farmers want to know is this: When will the government take this matter seriously and take some action and stop telling us that they "will get the Europeans and the Americans off subsidies?"

• (1510)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, this issue is clearly a concern not only to the government but to me in particular, as I do live in one of the provinces where oilseeds and the grains industry are important to the economy.

The reality is that if we try to play the subsidy game with the United States and the Europeans, we will simply never be able to match the amounts of money that they are prepared to pour into this particular sector. We must then look at alternative proposals. One of those alternatives is to negotiate the absence of subsidies from other countries, primarily the United States and the European nations.

In addition, we must continue to work on programs which will help our farmers now. The Agriculture Income Disaster Assistance program was one. The safety net programs are another. Such initiatives, particularly safety net programs, were announced in the Speech from the Throne, because it is important to help our farmers over the next few years as negotiations take place at the world trade level.

Senator Gustafson: Honourable senators, some believe that it is not the political arm of the government that is resisting this support, but rather the bureaucracy has decided the kind of agriculture we will have in Canada, and no one is able to stand up to them. Does the Leader of the Government share in that opinion?

Senator Carstairs: Honourable senators, I have no idea whether the bureaucracy is holding up anything. I do know, however, that the federal-provincial safety net package worth \$5.5 billion was announced last year. In addition, the Canadian Farm Income Program contributed another \$2.1 billion. Canada is doing its part. It needs to do more. That is why a better safety net program is being examined and advanced. Hopefully, those efforts will meet the needs of our agricultural producers but, ultimately, we have to get rid of the subsidies which are paid in enormous amounts of money by the Americans and by the Europeans.

Senator Gustafson: Honourable senators, in my opinion, that will not happen. When will the government take some action on his situation? The AIDA program did not work. You can ask any farmer in Saskatchewan, Alberta, Manitoba or Ontario and they will tell you the program did not work. It was a joke.

When will the government take some serious action to benefit all of Canada, Ontario as well as Western Canada? This is becoming an alienating thing. This lack of action is actually alienating Western Canada and that is a sad situation. The government has money for other things in the millions and

billions of dollars. I will not name them. The leader knows what they are. Yet there is no real money for the farmers. If there is money, it has gone to the bureaucracy in administration costs.

Senator Carstairs: Honourable senators, I certainly do not agree with the proposition set forth by the honourable senator. For example, he says that the AIDA program has not worked. AIDA has provided \$154 million in cheques to farmers. That is \$154 million that farmers would not have had if AIDA had not been in existence, so it is not possible to say the program is not working. Yes, it had administrative difficulties. That is clear. Many of those administrative difficulties were corrected and the response rate for AIDA program has increased dramatically. To say that \$154 million paid out by the federal Department of Agriculture has not worked is simply not true.

[Translation]

OFFICIAL LANGUAGES

SPEECH FROM THE THRONE— SUSTAINING OFFICIAL LANGUAGE MINORITY COMMUNITIES

Hon. Gerald J. Comeau: My question is further to the one raised last week by Senator Nolin with regard to the word "viable" which appears in the French version of the Speech from the Throne in connection with the commitment to protect francophone minority communities in Canada and to promote their growth.

In her answer, the minister stated that francophone minority communities should view the word "viable" in a much larger context. This does not answer Senator Nolin's question. Could the Leader of the Government in the Senate look up the definition of the word "viable"?

Will this new concept be used to assess minority communities on the verge of disappearing or being assimilated, especially smaller communities such as those in Nova Scotia, Prince Edward Island, Newfoundland and others? The word "viable" did not just happen in a document of this kind. It was carefully chosen and probably indicates a policy shift on the part of the government.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as per my undertaking to Senator Nolin, I requested the semantic definitions of the two words in question as used in the Speech from the Throne. I will be pleased to share any reply received with Senator Comeau.

We must also bear in mind that this government is committed to helping the official language communities to thrive. We want both francophone and anglophone communities across the country to develop and to flourish. Our linguistic duality must be recognized as a genuine asset in this country for each and every Canadian.

[Translation]

Senator Comeau: Could the leader of the government also look at the definition of the criteria and factors which will be taken into account to determine which of these communities are "viable"?

[English]

Senator Carstairs: I thank the honourable senator for that question, and I would be pleased to add it to the question that has already gone forward.

[Translation]

ORDERS OF THE DAY

MOTOR VEHICLE TRANSPORT ACT, 1987

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Marie-P. Poulin moved the second reading of Bill S-3, to amend the Motor Vehicle Transport Act, 1987, and to make consequential amendments to other acts.

She said: Honourable senators, I am pleased to introduce the amendments to the 1987 Motor Vehicle Transport Act. This bill applies to an industry that is the cornerstone of Canada's and North America's economy. It involves cooperation between the federal government and the provinces. It concerns road safety, more importantly.

Honourable senators, permit me to say a few words about the Motor Vehicle Transport Act in its present form.

The act governs many truck and bus transportation businesses that come under federal jurisdiction. These are motor carrier undertakings that operate beyond the borders of a single province and are known as extra-provincial carriers.

The federal government is responsible for regulating the safety of their operations. The provincial governments are, under the Constitution, responsible for carriers operating solely within their province. They are also responsible for issuing drivers' licenses, registering vehicles and applying traffic regulations.

• (1520)

Aware of the important role of the provinces in road transportation, the federal government has traditionally delegated its responsibilities to them so there may be only one regulatory level for all Canadian motor carriers.

The Motor Vehicle Transport Act empowers the provincial and territorial governments to regulate federal carriers.

Legislation is vital to shared responsibility for the nation's regulation of motor carriers. In addition, it is very important because of the strategic direction it gives to the nation's regulatory framework.

As the senator for Sudbury representing a region in Northern Ontario, I should like to take a few minutes to detail the importance of the trucking industry in Canada.

Its importance to Canada's economy cannot be overestimated. Almost all the goods we use are transported by truck. It is the primary means of getting fresh fruits and vegetables to our local supermarket, of delivering raw materials and parts to manufacturers and assembly plants, and of distributing finished products to market.

In Canada, trucking generates revenues from merchandise in excess of \$40 billion annually.

Trucking represents over 84 per cent of all revenue attributable to the surface transportation of goods and approximately three-quarters of trucking activities are carried out by extra-provincial motor carriers.

The trucking industry is extremely diversified. It consists of large multinationals, small and medium-sized businesses and great many individuals who use their own trucks. There are over 700,000 heavy vehicles and almost 250,000 operators of fleets in Canada.

Clearly, regulating this vital industry could have a major impact on the Canadian economy. The well-being of Canadian industry is directly proportional to the effectiveness of the trucking industry.

The Canadian bus transportation industry is not as large, but it too meets an essential need. Buses, including charters, generate revenues of half a billion dollars annually and are responsible for one-third of the intercity transportation of travellers not attributable to private passenger vehicles.

It is in everyone's interest for buses to continue to be able to offer Canadians an economical and safe means of transportation.

Honourable senators, let us look at the importance of safety. For the safety of motor vehicle transportation is at the very heart of the bill being introduced today. Trucking has increased rapidly with the growth in economic activity. Since 1991, the number of kilometre-tonnes of goods within Canada has increased by more than 60 per cent and the number of kilometre-tonnes at the border between Canada and the United States is now three times what it was in 1991.

Honourable senators, this remarkable increase did not result in a higher number of accidents involving heavy vehicles. In fact, the accident rate involving such vehicles has gone down. Moreover, motor coaches have an impressive record of passenger safety. Some years, there is not a single fatality among passengers in motor coaches.

However, sometimes a tragic accident affecting a large number of people does occur. Also, any collision involving a school bus raises serious concerns. Unfortunately, every year, there are still over 54,000 accidents involving commercial vehicles. Over 100 people lose their lives in these accidents, while an additional 1,000 suffer serious injuries. Honourable senators, the cost of these accidents to society is so high that the safety of trucks and motor coaches must remain a priority for all governments.

Some of the successful initiatives regarding commercial vehicles are related to the detailed safety standards governing the vehicles themselves. The Canada Motor Vehicle Safety Act, which is administered by Transport Canada, prescribes the safety standards applying to new trucks and motor coaches. Recent improvements to these standards include anti-lock brake systems, self-adjusting brake mechanisms and reflecting bands to improve visibility.

Honourable senators, you can rest assured that, thanks to these standards, the new heavy vehicles that travel our highways are equipped with major new technological features to improve safety.

[English]

Honourable senators, as I indicated earlier, each province has laws and regulations governing the operation of commercial vehicles. These provincial safety regimes are patterned after the National Safety Code for Motor Carriers. There are 15 National Safety Code standards covering all aspects of safe commercial vehicle operation. The standards address the driver, the vehicle and motor carrier management.

Over the past few years, the federal, provincial and territorial governments, in consultation with industry and public interest groups, have made a major effort to develop an umbrella standard based on real on-road safety performance. This effort recently culminated in the new National Safety Code Standard 14 safety rating. This standard provides a framework for provincial governments to rate motor carriers based on their actual on-road safety performance.

Based on this knowledge, governments are able to take appropriate enforcement action, carriers know where they stand relative to the industry, and shippers are able to choose a carrier in an informed way. All parties will have important real-world information on motor carrier safety. At the same time, primary responsibility for safe operation remains clearly where it should be, on the motor carrier itself.

Fully implemented, the safety rating regime means that records of collisions, traffic offences and violations of safety standards will be collected for each motor carrier from wherever that motor carrier operates. The jurisdiction in which a safety incident occurs will transmit information to the province where the carrier is registered. Based on a compilation of all these records, the home jurisdiction creates a safety rating for each motor carrier. The amendment being discussed today will enable each provincial government to apply the new safety rating

standard to federally regulated motor carriers. Clearly, for a national and international program such as this, it is important that carriers be rated in a similar fashion in every jurisdiction.

The bill establishes a framework for consistent safety rating. Based on this safety rating, provinces will issue a safety fitness certificate. This is a carrier's permission to operate anywhere in Canada.

• (1530)

The bill provides for and Transport Canada is working towards agreement with the United States and Mexico such that safe motor carriers can look forward to seamless treatment from safety regulators across North America.

Honourable senators, permit me to close on the issue of partnerships and cooperation: partnerships between governments and cooperation with stakeholders. The National Safety Code for Motor Carriers is a product of a federal-provincial-territorial memorandum of understanding signed in 1987. National Safety Code standards are developed and maintained by federal-provincial committees that also include industry, labour and public interest groups. The bill before us today reflects progress made through the consensus process toward advanced and consistent national safety recognition. This bill establishes a framework for a national program administered by provincial governments in a consistent manner toward all motor carriers. I believe that this cooperative arrangement is the best way to achieve the highest feasible level of safety for commercial vehicle operation throughout Canada.

In conclusion, honourable senators, the bill to amend the Motor Vehicle Transport Act, 1987, is the product of such consultation and consensus and is founded on partnerships. The amended act will apply motor carrier regulation based on real on-road safety performance. Moreover, passage of this bill will provide an important impetus for a continuing cooperative process between governments, industry and public interest groups, building on work already accomplished to improve the safety on our roads.

On motion of Senator Spivak, debate adjourned.

BLUE WATER BRIDGE AUTHORITY ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Lorna Milne moved the second reading of Bill S-5, to amend the Blue Water Bridge Authority Act.

She said: Honourable senators, I am pleased to speak at the second reading of the proposed legislation, to amend the Blue Water Bridge Authority Act.

Many of us are probably unaware that the Canada-U.S. international crossing between Port Edward-Sarnia, Ontario, and Port Huron, Michigan, has a history of 300 years as a transportation centre and area of strategic importance.

First Nations, French, British, American and Canadian settlements adjacent to the head of the St. Clair River led to the need, over the years, to locate forts, roads, railways and highways in the area. The growth of travel and commerce in that area eventually necessitated the building of tunnels, ferries and bridges across the St. Clair River. Construction of the Blue Water Bridge began on June 14, 1937, and it was opened to the public the following year on October 10, 1938.

Over 50 years later, in 1992, an international task force studying the Blue Water Bridge crossing concluded that the existing bridge was operating in excess of its design capacity and that a second bridge should be built. Planning and environmental assessment work was initiated in the summer of 1993. Construction began in the spring of 1995, and two years later a second Blue Water span was opened to traffic on July 22, 1997. Once the new bridge was opened, the original 60 year-old bridge was temporarily closed for much-needed rehabilitation.

The Blue Water Bridge links Canada's national highway system with the U.S. interstate system. In particular, it joins Ontario Highway 402 to Interstates 69 and 94 on the American side, and it is the quickest, most direct route from Montreal or Toronto to Chicago and the American Midwest.

Honourable senators, the Blue Water Bridge is the second largest Canada-U.S. gateway in terms of exports and the second busiest crossing for trucks. An average of 14,000 vehicles per day cross the Blue Water Bridge, and on a busy day as many as 20,000 vehicles, including well over 6,000 trucks, may cross this international bridge.

The Blue Water Bridge is Canada's fastest-growing crossing, with traffic increases of about 8 per cent per year. The bridge is primarily a long-distance crossing. I am told that about 2,500 to 3,000 trucks per month from the province of Quebec cross this bridge, heading to the United States. Obviously, this bridge is important to many of our provinces, not just Ontario.

The Blue Water Bridge Authority has owned and operated the Canadian half of this bridge since the early 1960s. The authority was created by the federal government by an Act respecting the International Bridge over the St. Clair River known as the Blue Water Bridge. This act was assented to on May 21, 1964.

Honourable senators, the purpose of this amendment to the Blue Water Bridge Act of 1964 is to update the ability of the Blue Water Bridge Authority to borrow funds. The current act limits the power of the authority to borrow funds unless the bond interest rate is less than or equal to 6.5 per cent. Not only is this restriction not in keeping with current practice, but at present it is impossible. Other international bridges have an established maximum borrowing limit.

This amendment proposes a maximum borrowing limit of \$125 million, which will be adequate to handle the authority's long-term debt, currently totalling about \$60 million, and their multi-year capital plan, totalling an additional \$55 million.

Honourable senators, the Blue Water Bridge Authority is continually looking for ways to improve their operation and to make their crossing as efficient and as safe as possible. Their capital plan identifies major modifications to the terminal layout to improve the flow of traffic and to address safety concerns identified by independent consultants. Without the passage of this legislation, the authority will be unable to borrow the necessary funds to make these improvements.

The Blue Water Bridge Authority is a public body, basically independent of the Crown. It operates at arm's length. It is not an agent or employee of the Crown, and the Crown is therefore not liable for its debts. It receives no federal funding.

This proposed legislation to amend the Blue Water Bridge Authority Act is important for Canada's economic viability and competitiveness. With Canada-U.S. trade growing at an average annual pace of more than 10 per cent, we cannot afford to ignore the crucial economic role our international border crossings play in facilitating the movement of this trade.

Honourable senators, I hope you will all join with me in giving expeditious consideration to this important initiative. The Blue Water Bridge Authority needs this legislation in order to continue to operate and maintain this important transportation link efficiently and to make capital improvements in the most cost-effective manner possible.

On motion of Senator Kinsella, debate adjourned.

• (1540)

BROADCASTING ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the second reading of Bill S-7, to amend the Broadcasting Act.—(*Honourable Senator Finestone, P.C.*).

She said: Honourable senators, the purpose of Bill S-7 is to amend the Broadcasting Act. Bill S-7 proceeded through second reading stage and was referred to the appropriate standing committee of the Senate for study. However, the bill died on the Order Paper with the calling of the national general election.

The summary of Bill S-7 states:

This enactment amends the *Broadcasting Act* in order to enable the Canadian Radio-television and Telecommunications Commission to make regulations establishing criteria for the awarding of costs, and to give the Commission the power to award and tax costs between the parties that appear before it.

Within the context of this bill, I bring the full attention of honourable senators to one significant area that requires further elaboration and is the basis for the amendment which I am advancing. Consider the following, honourable senators.

[Translation]

We know that under sections 56 and 57 of the Telecommunications Act, the Canadian Radio-Television and Telecommunications Commission, or CRTC, has the power to compensate the organizations or individuals appearing before it during proceedings on telecommunications. The act also authorizes the CRTC to establish the refund criteria and to determine to whom costs will be repaid and by whom.

[English]

Conversely, the Broadcasting Act does not envision such provisions. Consequently, the CRTC has no power to either award costs or establish the criteria of awards under such an act. This is an imbalance that causes concern and requires immediate rectification.

[Translation]

Honourable senators, why is it essential to amend the Broadcasting Act?

[English]

First, this amendment brings the Broadcasting Act into concordance with the Telecommunications Act where the rights to cost recovery have existed for years.

Second, this amendment will be extremely beneficial to the Canadian public. Cost awards will allow consumers and public interest groups, as well as individuals, to develop thorough research and substantial evidence to represent effectively the interests of citizens in broadcasting and cable television policy and regulatory proceedings.

Third, convergence and the information highway have created a deep interplay between telecommunications and the broadcasting services used by the public, such as new media and the Internet. Often, the CRTC has been faced with issues involving both the Telecommunications Act and the Broadcasting Act. Regardless of the validity of the arguments presented, the CRTC has been able to award only those costs covered under the Telecommunications Act, but not under the Broadcasting Act even though the information provided under both acts has proven pertinent and value-added.

Fourth, the vastness of the funding available to media companies is in outright contrast to the financial limitations faced by consumers and their representative groups. This condition therefore creates imbalances and inequalities that are inconsistent with our democratic system. Substantive and effective participation by consumer organizations representing the interests of citizens is often hampered by financial limitations owing to the fact that detailed research studies and expert assistance are very costly.

Fifth, this much needed amendment brings into symmetry and balance both acts. Thus, consumers will be fairly and equally treated in all proceedings before the commission, whether

conducted under the Broadcasting Act or the Telecommunications Act.

[Translation]

Sixth, consumer groups across Canada strongly support this initiative, since they are aware of the importance of equal representation under the Broadcasting Act. Among the organizations supporting the proposed amendment are: the British Columbia Public Interest Center, the Public Interest Law Center, the National Anti-Poverty Organization, the Canadian Labour Congress, Action Réseau Consommateur, the Canadian Library Association, the Manitoba chapter of the Consumers' Association of Canada, the Communication Workers Union, Rural Dignity of Canada, the Association coopérative d'économie familiale, and the Public Interest Advocacy Centre.

[English]

Seventh, other regulatory agencies in Canada provide for the payment of intervenor costs. Many tribunals that regulate public utilities or important public services award costs of public interest intervenors to reimburse them for their intervention.

I want to thank our honourable Speaker for the fact that when he was deputy leader of the government in this place I was allowed to research this matter further.

In addition to the CRTC, funding is available for consumer groups participating in hearings on electrical and natural gas proceedings in many provinces in Canada, such as British Columbia, Alberta, Manitoba, Ontario and Quebec. At the federal level, the Canadian Transportation Agency is another example of a tribunal with the power to award costs. To give honourable senators an example, the Régie de l'énergie in Quebec may rule that electric power or natural gas distributors pay all or part of the expenses of intervenors whose participation the Régie considers useful.

The British Columbia Utilities Commission applies award criteria similar to those used by the CRTC for telecommunications, such as the intervenor's contribution to a better understanding of the issues, interest in the issues under discussion and the effect that the commission's decision will have on the people the intervenor is representing.

Eighth, the issues examined by the commission could have a wider repercussion on the population in general. For example, national issues, such as television policy or cable television distribution regulations, or more specific issues, such as the rate consumers pay for cable television services, could be potentially at stake.

Again, I must point out, honourable senators, that the high level of citizens' participation in telecommunications matters cannot be compared to the level of citizens' participation in broadcasting proceedings, for one reason. Simply stated, they have not been able to secure their participation because of financial restraints.

The issue of effective citizen participation has become even more relevant since this bill was first introduced last summer. Over the past few months, the CRTC has instituted a number of proceedings relating to convergence, pricing, service and industry consolidation, which are of great interest and relevance to consumers.

For example, CRTC Public Notice 2000-113 deals with the impending shift from analogue to digital broadcasting. I pulled that switch for digital broadcasting to start in Canada. Little did I know it would have this kind of impact.

Who will bear the costs and how will consumer choices be affected in view of the enormous expenses involved in this technological change?

As another example, CRTC Public Notice 2000-165 deals with policy revisions for companies owning certain types of programming services. What are the implications of consolidation, vertical and horizontal integration for citizens in terms of pricing, choice of service, diversity of expression and competition?

Honourable senators, in our changing communications sector, Canadians deserve answers to these questions. We know how industries' and consumers' points of view differ, and how issues of this magnitude need to be treated in a fair and balanced way for the benefit of all.

• (1550)

Without the ability to recover costs related to the gathering of substantial evidence, consumer participation is limited. While consumers and consumer groups may be able to present short briefs expressing general principles and expectations, they are not able to afford in-depth research and testimony. Their meagre efforts crumble under the weight of evidence put forward by the industry.

I should like to underscore the wording that is used for the proposed amendment on broadcasting, for it is exactly the same as that used in the Telecommunications Act. As a point of information, however, I clarify that the use of the term "taxation" is proper in the context of the amendment and does not relate to the fiscal or money-raising powers and authority of the government. As unfortunate a choice of words this may be to you and me, "taxation" is the proper legal term used by the courts in regulatory agencies such as the CRTC.

Who will be funded? Not everyone who appears before the CRTC in a proceeding will automatically qualify for a cost award. With the passage of this amendment, the CRTC will draw the rules of procedure that will be used to determine the criteria for awarding costs under the Broadcasting Act. As with the criteria that already exists in telecommunications rules of procedure for costs, applicants must demonstrate to the commission that they are representative of a group of citizens, that they have participated in the proceedings in a responsible way, and that they have contributed substantially to a better understanding of the issues in question. These are rigorous tests.

Who pays the costs for these awards?

[Translation]

The costs are met by companies that come under the jurisdiction of the CRTC who took part in the proceedings and will be affected by the outcome. One of the principles of reimbursement is to compensate deserving intervenors for the costs incurred by an intervention, based on the fair market value of the work performed. Like the costs for company representation, the funds come from the key industry intervenor services budget.

[English]

I would say to you, honourable senators, it is the cost of doing business.

The CRTC has always followed this practice in telecommunications, and this practice was confirmed as appropriate by the Supreme Court of Canada in 1986.

Honourable senators, in broadcasting in 1997 and 1998, the CRTC processed — and I found these figures astonishing. — 1,379 applications relating to television, radio, broadcasting distribution undertakings, pay and specialty television undertakings. These included requests for new licences, licence amendments and renewals, applications to transfer ownership control and cable rate filings. The commission also issued 658 broadcasting decisions and 143 public notices. Cost awards were not available for any of these proceedings to community interest groups.

On the other hand, in telecommunications in 1997-98, the CRTC processed 2,123 telecommunications-related applications and issued a total of 1,912 telecom decisions, orders, public notices, cost orders and taxation notices. Consumer groups do not participate in every proceeding, just those most relevant to their interests. In 1997, at the height of the CRTC proceeding reregulating the telephone sector, there were eight cost awards, usually involving coalitions of consumer groups, amounting to some \$752,880.

Honourable senators, I understand that this figure may sound high; however, compared to over \$20 billion per year in revenue by the industry, I would suggest to you that \$700,000 becomes fairly insignificant amount.

Since 1997, with the major regulatory work necessary to reshape the industry coming to completion, we have seen the volume of proceedings and amount of costs decline. In 1998, the CRTC made 16 cost awards, amounting to \$552,683.16; in 1999, four cost awards were made, amounting to \$155,635.12. With the exception of those years featuring major regulatory or policy proceedings, the cost of awards in the future is expected to tend toward these lower amounts.

Furthermore, in exercising its responsibility under the Broadcasting Act, the CRTC is given decision-making power that are important for and have a great impact on Canadian society associated with the promotion of Canadian culture, the setting of rates, the introduction of competition, and the resolution of stakeholder disputes.

[Senator Finestone]

Under section 3(d)(i) of the Broadcasting Act, the commission is instructed to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada. Therefore, for the process of decision-making to be congruent with our Canadian principles of fairness and equity, it is vital that the process be conducted on the basis of openness, impartiality and transparency. This amendment, therefore, affords us the opportunity to translate these normative principles into functional ones so that the goods of wise governance may be delivered effectively in these important regulatory hearings.

Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to say a few words about the bill introduced by Senator Finestone. I have in front of me two versions of the text of the bill, one long and one short, and I can tell from the expressions on the faces of my colleagues over there that they are unanimously in agreement for me to choose the short one.

English]

I had the honour to support this bill in the last Parliament, and have not changed my position on it. In fact, I think that this house should continue its examination in committee on this, because it is an important initiative.

Quite briefly, a number of elements in the bill have attracted my support, including, for example, first, that through this amendment to the Broadcasting Act the Canadian public will have more equitable representation and participation in regulatory and policy matters relating to the broadcasting and cable and television industry in our country. That is a matter of a principle that I embrace, and it is an important principle underlying this bill. A second attractive feature of the bill in my eyes is that this change would be of benefit to the CRTC by improving the quality of evidence it receives and considers as part of the commission's policy and regulatory decision-making process. Third, this amendment is fair and will not burden the broadcasting industry itself.

It seems to me, honourable senators, that the bill is supportive of an important principle of public policy, namely, that citizens participate in and are represented in policy, regulatory and other decision-making activities of the government and government agencies and are able to do so in an effective way.

• (1600)

It seems to me also that the bill and the amendments that it seeks to bring about will not diminish the ability of Canadians to express their general views about matters relating to the broadcasting sector to the CRTC through the means that are often used already, letters, e-mails and such. This level of participation indeed will continue. Nor will this change mean that CRTC proceedings will become too legalistic, thereby beyond the reach of individual Canadians.

To the contrary, the changes in communications to which I have just alluded mean that, in order to have opportunities to truly participate on a fair and equitable basis and to be effective while doing so, citizens and interest groups representing larger communities need the resources to develop substantive evidence and substantive submissions to complement and enhance general submissions and comments.

One does not have to be the proverbial rocket scientist to know that the industry sector has significant means available to it to prepare and present its briefs. Communities of Canadians do not have the same kind of resources, and the means that are being provided for here will level the playing field significantly. The amendment seeks to create the means to ensure that sufficient resources are available, when warranted, to facilitate this level of participation and representation by ordinary groups of Canadian citizens. The result will be that the interests of Canadian consumers will be better balanced with those of the giant media companies in decisions taken by the regulatory agency, the CRTC.

The change to the Broadcasting Act will also benefit the CRTC itself. Why? Quite simply, it will be able to make good decisions that balance the interests and needs of the public with the interests and needs of industry. The commission needs to have, as one can understand, quality research and evidence presented during its regulatory proceedings. The increased complexity of the communications industry, networks and services requires companies and public participants to have a comparable increased level of expertise and to provide more detailed information in their respective submissions, whether legal, economic, socio-cultural or any other type of research or analysis that would make the decision-making process that much more thoughtful. Improving the abilities of citizens and citizens' groups to formulate their views will improve the quality of evidence before the regulatory agency and improve the commission's ability to render fair and balanced decisions and to more effectively manage communication activities through policy regulations.

Finally, honourable senators, it struck me that the amendment the bill proposes to the act is fair, for it does not create a burden for the broadcasters or other communication companies. The bill adopts the same long-established model for facilitating greater and more effective public participation through the awarding of costs to intervenors, which has worked with great success under the Telecommunications Act. Cost awards have not been a burden to the industry nor to those broadcasters who have participated in telecommunication proceedings. Similarly, I do not believe costs awarded in the future under the Broadcast Act will be a burden for broadcasting or cable companies. Considering the value of awards, as has been the case with telecommunications, those costs are likely to be very small when compared to the revenues or the other expenses in the given industry. The substantive participation by public interest groups in telecommunications proceedings facilitated by intervenor cost awards has worked. It has helped to create regulatory decisions that are equitable for a large number of interests.

My reading of Senator Finestone's Bill S-7 leads me to conclude that regulatory proceedings conducted under the Broadcasting Act will lead to greater fairness and a higher quality of evidence and data before the decision-making body. It is for these reasons I support the principles of this bill and recommend its adoption at second reading.

On motion of Senator Gauthier, debate adjourned.

BILL TO MAINTAIN THE PRINCIPLES RELATING TO THE ROLE OF THE SENATE AS ESTABLISHED BY THE CONSTITUTION OF CANADA

SECOND READING—DEBATE ADJOURNED

Hon. Serge Joyal moved the second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.—(*Honourable Senator Joyal, P.C.*).

He said: Honourable senators, the bill that I have the honour to place before you today for debate at second reading is without precedent in our history. Basically, it has two objectives. The first one is to raise awareness of the many instances, especially in recent years, when legislation passed in good faith by Parliament neglected to recognize that the Senate has a role and a status equal to that of the House of Commons. The second one is to remedy this omission by amending these acts so that they recognize the Senate's full status in the Canadian legislative process.

Let us begin with a review of the scale of the problem. Is this just a matter of a few isolated cases or is it, rather, a recurring practice involving a significant number of examples? A review of the statutes has identified 47 acts passed since 1920 that fail to give the Senate a role and status equal to the one of the House of Commons. Of these 47 acts, 20 of them have been inoperative with respect to the provisions of interest to us as senators. This leaves 27 acts that exclude the Senate and prevent it from carrying out its legitimate responsibilities. More important, since the 35th Parliament — that is, in the last seven years, since 1994 — eight bills have been introduced with that kind of clause excluding the Senate. Five were amended in the Senate and the House of Commons, and one was the object of a commitment by the government that the corrective amendment would occur in due course. The proposed bank act died with the end of 36th Parliament and Bill C-20 was adopted without amendment. Bill S-8 aims to amend the 27 acts still in effect that suggest a difference in status between the two Houses of Parliament.

[*Translation*]

The act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec secession reference, passed June 30, 2000, is not covered by this bill. Given its exceptional objective — that of empowering the Canadian government to undertake negotiations leading to the dismemberment of the country—it should be the subject of

special consideration at the appropriate time. Bill S-8 is therefore an omnibus bill, designed to re-establish the role of the Senate of Canada in 27 acts passed by the Parliament of Canada.

We see no reason to try to determine what Parliament's intentions were when these provisions excluding the Senate were passed. The reasons no doubt varied widely, ranging from simple omission to a conviction that the Senate had no stake in the matter at issue.

[*English*]

Whatever the identified or acknowledged motive, the result is the same: The Senate is deprived of its fundamental role in our bicameral system. What, exactly, is that role? We must go back to the origins of our institution settlement to understand the core of the principles involved. It was obvious from the start of the discussion leading to Confederation that the Canadian Parliament would be bicameral like that of the United Kingdom, which is made up of two chambers or houses acting under the constitutional authority of the sovereign. This fact is evident among other sources in the preamble to our Constitution, which stipulates a Constitution similar in principle to that of the United Kingdom. King, lords and Commons — these are the three distinct components combined that embody the country's sovereignty with each being essential to the full expression of the people. All three are essential parties to any legislation.

• (1610)

Section 91 of the Constitution provides for this:

It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order and Good Government of Canada...

It follows that the agreement and consent of both Houses are equally required. This is the law and neither House can avoid, omit or delegate to the other the exercise of its duties. The Canadian courts have confirmed this on a number of occasions, most notably when they were required to rule on the scope of referendums on legislatures in 1919. Moreover, former Supreme Court Justice Mr. Willard Estey, testifying before the Standing Senate Committee on Aboriginal Peoples, on March 23, 2000, explained it forcefully:

You have a duty. The Senate has a senior duty to perform. It has to perfect the process of legislation. That duty must clearly entail, on occasion, an amendment or a refusal or an automatic approval. All three are within your power. Not only are they within your power, they are within your duty. You have to scrutinize this thing and see what is good and bad and purify it. That is why you are here. The second house invariably, around the world, is set up as a brake on the first level of legislation, while the executive branch tags along all the way up the ladder.

There we have the heart of the question: Is it proper for the Senate to pass legislation that will allow it to evade its role of reviewing laws passed by the Commons and to avoid acting as the chamber that reviews executive decisions in the system of responsible government equivalent to that of the United Kingdom in 1867? I do not think so. The Senate has a fundamental, compelling part to play in the governmental process and it has a constitutional duty to do so. It cannot escape its responsibility. If legislation were to be passed without Senate consent and approval, the actions under the bill would be found constitutionally unenforceable, that is illegal, by the courts.

There is intrinsic reason that obliges the Senate to live up to that responsibility. The sovereignty and will of the Canadian people are expressed through the nation's Parliament. It is essential that both Houses of Parliament give their consent before legislation can be properly sanctioned by the Crown. This requirement is fundamental. It is woven into our country's very nature as a federation.

When the founders of Confederation had to decide on the type of union they were going to form, they opted for a federal union contrary to Sir John A. Macdonald's initial proposal for a unitary government. Canada's linguistic, religious, economic and regional diversity were too rooted for any realistic prospect of submerging them in a single assembly where Ontario would dominate. A federal structure was the only approach to any enduring union.

There is more. In that federal union, it was unthinkable to have a simple elected House where Ontario would have effective control as the sole expression of the will of all the provinces. 'Rep by pop' automatically gave the last word to the majority represented by the province with the largest population.

That was why the founders opted for a second house representing the regions and giving it equal weight to counterbalance the electoral rule that inevitably meant the dictatorship of the majority. Without a Senate, where the regions' linguistic and religious minorities were protected, there simply would not have been one dominion.

What conclusion should we draw from this essential characteristic of our Parliament?

Translation]

The Senate, by its very vocation, is the expression and guardian of the interests and voice of regions and minorities. The Supreme Court has recognized this on three separate occasions in the past 20 years. It is a truth that is crucial to our country's constitutional reality. So it is the will of both Houses in our parliamentary system that guarantees democracy for all citizens.

English]

When both majorities, that in the Commons and that in the Senate, join together, they voice our federation's democratic

consent. This is how the sovereignty and the will of the Canadian people are expressed through our parliamentary system.

What does this mean in practise when it comes to drawing up legislation and to the democratic supervision which Parliament must exercise over the government? The conclusion is almost self-evident. The Senate's contribution is essential to the expression of the weighted will of all Canadians, whether they live in the most populous provinces or the most sparsely populated regions or territory.

Consequently, when a minister of the Crown makes a commitment to seek only the opinion of the House of Commons, for instance, on a report, as is often the case in the acts covered by omnibus Bill S-8, consideration of its conclusions will be determined by the elected majority concentrated in the provinces with the most people. The minister thus violates the federal principle enshrined in our Parliament. We have a duty to review on an equal footing the same laws and submissions that are submitted to the House of Commons. This is vital if Canadians living in the regions or belonging to minorities are to preserve a voice in the decisions to be made and the directions Canada is to take.

We cannot abdicate this role. It is our duty to carry it out by approving, amending or rejecting any submission placed before this Senate. That is the objective of this omnibus bill. It re-establishes our role in 27 specific cases where the voice of the Senate, that is, the voice of regions and minorities, has been excluded.

The bill has another objective as well — to make the government aware that it cannot ignore the Senate with impunity. The point is not that a few self-important senators want a chance to sound off about everything. The point is that the very nature of our country is based on respect and equality for all, even in the most remote regions.

Our regime is weighted, balanced and fair. The dictatorship of the majority or the will of a single house has never been our way. We have always sought to protect minorities and those whom geography or history has made less influential. Is this not in fact a conception of freedom that sets a very high standard of equality and respect for all? Is this not at the heart of what makes up our Canadian identity and infuses our approach to the institutions of national government?

If we allow this habit of excluding the Senate to persist and these precedents to proliferate, we are endorsing the view that the Senate has no useful role. We are allowing to hang over us a fog of futility that a number of people would like to invoke as justification for imputing the power of this institution or simply abolishing it.

Honourable senators, experience teaches us that sometimes we must be put to the test. That is, we must find ourselves deprived of some physical or material advantage to realize what really matters in the choices we make.

• (1620)

Perhaps the repeated clauses excluding the Senate will make us more aware of our duties and responsibilities and, I hope, convince all honourable senators to support this bill, which has no other aim than to ensure that all Canadians have an equal voice in the government of their country as stipulated by our Constitution.

On motion of Senator Beaudoin, debate adjourned.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved the second reading of Bill S-10, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).—(*Honourable Senator Grafstein*).

He said: Honourable senators, this is the second time this millennium I have introduced the second reading of a bill to establish a parliamentary poet laureate. I first introduced this bill on November 2, 1999, as a modest millennium project. You will recall that the bill finally passed third reading on June 28, 2000, after a thorough review by the Social Affairs Committee. It was unanimously reported by the committee and subsequently approved at third reading.

The bill was then sent to the other place in the dying days of the last Parliament where it languished on the Order Paper for lack of time. It is to be hoped that the bill will receive speedy passage in the Senate and will then be able to wend its way through the obstacles of other place.

Honourable senators, let me remark upon the simple contours of this proposed legislation. Biannually, the heads of five of Canada's major cultural institutions — the Canada Council, the National Library, the National Archives, the Library of Parliament and the Official Languages Commission — will nominate three poets for consideration by the two Speakers of Parliament. The two Speakers will then select a parliamentary poet laureate who will hold office for a two-year term.

The duties of the parliamentary poet laureate will be minimalist. The two-year term will allow a wide variety of poets to be selected from every social segment, every artistic form, every artistic school, every literary school and every region of the country. The minimal objective is to attract public attention and that of parliamentarians themselves to poetry and the nature and need of it — the need for both the written and spoken word — in our society.

In her recent collection of essays *Quarrel and Quandary*, the brilliant writer Cynthia Ozick addressed the question "What is poetry about?" She parsed and dissected the question carefully. She said that each poem is unique, resisting categorization. A

poem may consent to a particular form — a haiku, a sonnet or villanelle. Most often the form would be free. It is possible to say what a single poem is about, yet what can be said about "poetry"? Is it collective? Is it plural? Is it a universe? Is it an emanation? Is it endemic? Does it belong to a song, or is it the child or perhaps the parent of philosophy? Is it only utilitarian? Is it symbolic? Is it religious? It is representative of the divine when the second commandment suppresses physical expression of divine representation.

Ozick recalls that when the Greek Syrians conquered Jerusalem, invaded the first temple and found no statutes of god, they supposed that the "people in the book" were atheistic yet, as Ozick suggests, "freeing the metaphysical from limits of literalism...also freed art."

Poetry, one therefore can conclude, is the absolute freest of all artistic forms. For poetry, for the word, there can be no second commandment. Creation and the creator cannot be separated from the word.

In the beginning was "the word," so Ozick concludes that poetry is not often prophesy and poets are not often prophets but, it is inescapable that all true prophets are poets.

Honourable senators, all can agree that freedom of thought is best encapsulated in poetry and that poets often become prophetic. Therefore, what a cost-effective offer to expand choice and freedom of thought through the sparse office of this minimalist proposal for a parliamentary poet laureate.

Ozick concludes her essay with these thoughts: "And poetry because it is timeless, takes time." She selected W.H. Auden, great poet, to have the last word on the things both infinite and infinitesimal that poetry is about:

Were all stars to disappear or die
I should learn to look at an empty sky
And feel its total darkness sublime,
Though this might take me a little time.

Honourable senators, for just a little of your time, we could give birth to a parliamentary poet laureate. We could bring godfathers and godmothers to a simple literary counter-revolution. You will recall that all great ideas start with a majority of one. This bill would be a modest counterweight to those who insist that poetry is irrelevant, that the individual does not count in this collectivist age, that choice is not necessary, or that the word is withering or, worse, is irrelevant in the digital age.

Honourable senators, I commend yet once again this bill for your quick and positive affirmation without reference to committee.

On motion of Senator Kinsella, debate adjourned.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have now completed Orders of the Day and, pursuant to Senator St. Germain's intervention under Senators' Statements, we now return to the question of privilege that he raised.

As this is my first experience with a question of privilege or a point of order, I will indicate that the rules pertaining to questions of privilege are set out in rule 43 of the *Rules of the Senate of Canada*. Rule 18(3) deals with the hearing of interventions on a question of privilege or a point of order. That rule essentially indicates that interventions are appropriate and that the Speaker will designate when he or she has heard sufficient to make a ruling or determination.

I say that, honourable senators, only to indicate what is guiding me. I now call on Senator St. Germain to raise his question of privilege.

Hon. Gerry St. Germain: Honourable senators, I rise on a question of privilege on a matter of importance to all senators as it impacts upon the way in which we govern ourselves as senators.

A situation has arisen in this place that is so new and unusual that it begs for resolution. The fact that there is no resolution of this matter is, I believe, a breach of my privileges as a member of the Senate of Canada. I understand that questions of privilege are rarely recognized as being *prima facie*, but I believe that this is such a unique situation that it cries out for an answer.

According to *Bourinot's Parliamentary Procedure* at page 56:

It has been frequently decided that the following matters fall within the category of breaches of privileges:

1. Disobedience to, or evasion of, any of the orders or rules which are made for the convenience or efficiency of the proceedings of house.

The first rule of the Senate states that where we have no procedures, we must rely on precedent. It is also clear that we are bound by tradition in this chamber. The failure to adhere to our rules and procedures in this matter constitutes an evasion and, therefore, a breach of privilege.

Joseph Maingot states that to constitute privilege, generally there must be some improper obstruction to the member performing his parliamentary work in either a direct or constructive way.

• (1630)

I submit to all senators that over the past several months some discussion has taken place between the officers of this place and the leaders of the other parties. I was advised that I would be treated as an independent senator. These discussions, I believe, have resulted in my being denied my privileges according to the traditions of this place. This constitutes an improper obstruction.

Based on existing tradition and precedent, I believe my right to claim the office of the Leader of the Official Opposition in the Senate has been denied me. To reiterate Bourinot, this is an "evasion of...the orders or rules..."

Precedent for this question of privilege does exist. As stated in *House of Commons Procedure and Practice*, edited by Marleau and Monpetit, at page 87:

On December 6, 1978, in finding that a *prima facie* contempt of the House existed, Speaker Jerome ruled that a government official, by deliberately misleading a Minister, had impeded a Member in the performance of his duties and consequently obstructed the House itself.

Honourable senators, I do not presume to state that someone has deliberately misled me — on the contrary. Nonetheless, the lack of inclusion of myself in discussions concerning the status of party leadership in this chamber must be construed as an inadvertent impediment of my ability to carry out my duties. The deliberate nature of the aforementioned ruling is of less significance than the fact that the member was impeded. The impediment of a third party constituted the breach.

Also in 1993, the Speaker of the other place ruled on matters relating to the orders of that place and agreed that they were indeed questions of privilege. The particular situation dealt with the late tabling of a government response to a committee of the other place. In the Speaker's ruling, reported in the *House of Commons Debates* of April 19, 1993, at page 18106: "Members cannot function if they do not have access to the material they need for work and if our rules are being ignored..."

Most members of either chamber would agree with this Speaker's rulings. Of particular importance is the recognition by the Speaker that ignoring the rules of that place constituted a breach of privilege.

We must respect precedent and tradition, honourable senators. We must respect the purpose for which the Senate was created. Finally, we must respect the changing nature of Canada's political landscape, which I believe is most significant.

Honourable senators, let me first address the matter of our precedent and traditions. In situations where we have no clear procedures, our rules are clear. The very first rule of our Senate is the following:

1. (1) In all cases not provided for in these rules, the customs, usages, forms and proceedings of either House of the Parliament of Canada shall, *mutatis mutandis*, be followed in the Senate or in any committee thereof.

Our very first rule demands that we look to precedent for answers to questions not governed by our rules and procedures.

Honourable senators, precedent does exist. First, let us look at our mother Parliament, Westminster. What does precedent from the United Kingdom have to say on this matter?

According to Erskine May at page 214, an authority we often refer to in Canada, the following is the practice:

The Official Opposition party (by reference to the House of Commons) and the opposition party with the largest number of members in the Lords, other than the Official Opposition, are given financial assistance from public funds in respect of their parliamentary duties.

More specifically, the British Ministerial and Other Salaries Act passed in 1975 states:

2. (1) In this Act "Leader of the Opposition" means, in relation to either House of Parliament, that a Member of that House who is for the time being the Leader of that House of the party in opposition to Her Majesty's Government having the greatest numerical strength in the House of Commons; and "Chief Opposition Whip" means, in relation to either House of Parliament, the person for the time being nominated as such by the Leader of the Opposition in that House; and "Assistant Opposition Whip", in relation to the House of Commons, means a person for the time being nominated as such, and to be paid as such, by the Leader of the Opposition in the House of Commons.

Finally, on the matter of British precedent, let me quote from a letter written by the past Earl of Listowel recalling his days in the House of Lords:

The House of Lords when I took my seat shortly after my father's untimely death of pneumonia in 1931 — which took place a few years before the discovery of penicillin and other antibiotics — was a very different place from what it has become over 60 years later.

I have now become the longest active member, having served continuously in Government or Opposition or as Chairman of Committees, apart from a short break during the war years, and my three years in Ghana as Governor-General.

It was at this time an entirely hereditary chamber, apart of course from a handful of Bishops and Law Lords. The Labour Party, as the Official Opposition, could only man two Benches, including the front Bench, and in 1938 could still muster no more than 15 peers. They were greatly outnumbered by the 80 Liberals, also of course on the Opposition side of the House. In fact, I remember a protracted argument between my Leader, Lord Ponsonby, and the Leader of Liberal Party, the Marquis of Crewe, about which party was entitled to occupy the Opposition Benches immediately facing the Ministers sitting on the Government Front Bench. It was decided in favour of Lord Ponsonby, because the Labour Party was the official Opposition and occupied this position on the Opposition

Front Bench in the House of Commons. The Conservative Party had even then a permanent majority of between 300 and 400 peers in the Upper House.

This letter was supplied by Mr. J.M. Davies, Clerk of the House of Lords, and a copy is now in the possession of our own Clerk of the Senate.

Clearly, honourable senators, strong precedent from Britain exists, but what about other Commonwealth nations?

Australia also has a Senate and has enjoyed a multitude of political parties. An inquiry to the Office of the Clerk of the Australian Senate produced the following response from Dr. Rosemary Laing, Clerk Assistant, Procedure:

Since 1901, the Opposition in the Senate has always been the same political party as the Opposition in the House of Representatives.

No precedent exists in the Australian parliament for the Official Opposition in the Senate to be chosen on the basis of the party numbers in the Senate rather than with reference to the party serving in Opposition in the House of Representatives.

Following the election of 1903, the Protectionists held the largest number of seats in the House of Representatives (26), the Freetrade Party being the next largest group (25), and forming the Opposition. The Labor Party held the largest number of seats in the Senate, but the Opposition continued to be the Freetrade Party. This situation was repeated during the first Deakin (Protectionist) government from 1905-1908, when the Freetrade Party formed the Opposition in both the House of Representatives and the Senate, but the Labour Party held the largest number of seats in the Senate.

Finally, let us look to our own traditions and precedents. Since Confederation the leaders of this place have been appointed by their counterparts in the other place.

Honourable senators, the common practice is clear: Leaders in the House of Commons choose leaders in the Senate. There is only one example in Canadian history of a variation of this practice.

In 1994, an exception of sorts did occur when the leader of the Progressive Conservative Party, the Honourable Jean Charest, allowed Progressive Conservative senators to select their own leader in the Senate.

This cannot be considered precedent for a number of reasons. First, only two parties enjoyed representation in the upper chamber. The opposition at the time, the Bloc Québécois, had no Senate representation. Second, the Progressive Conservative Party, which had made the decision at the time, did not enjoy party status in the lower chamber.

The only other possible instance where precedent could have been set in Canada was in 1921 when the Progressives formed the second largest party in the House of Commons, but the Progressives, under Thomas Crerar, refused to serve as the opposition and allowed the Conservatives to retain the role.

The tradition of selecting Senate opposition political leadership is clearly a method of appointment with reference to the Leader of the Opposition in the House of Commons. This precedent has not been undermined by the circumstances of recent years, as Her Majesty's Loyal Opposition in the House of Commons has not enjoyed representation in the Senate since 1993 and therefore could not name a leader in the upper chamber until now.

The Senate's own traditions speak to the abuse of procedure in matters of this kind. Traditionally, the Speaker takes judicial notice of who is the Leader of the Official Opposition in the other place, and this reality is reflected in the Senate by the recognition of the government and opposition leaders appointed in this place. Historically and traditionally, the members of that party form the opposition in the Senate.

• (1640)

Honourable senators, members of the Senate are subject to procedure. Where no defined procedure exists in the Senate's own rules, tradition and precedent must be examined.

The tradition of the Leader of the Opposition in the House of Commons appointing the Leader of the Opposition in the Senate is common practice in Canada. As well, precedent from the British Parliament is clear. Thus, the Senate is breaching its own rules and procedures and, in doing so, is harming the ability of some senators to do the work for which they have been appointed.

Second, the Senate must respect the reasons for the creation of this chamber by the Fathers of Confederation.

According to the Senate's own self-description as posted on our Web site, the Fathers of Confederation gave the Senate the important role of protecting regional, provincial and minority interests. This is, indeed, an important role, one that this chamber may be in danger of forgetting.

The lack of representation in the Senate for the almost 50 per cent of Canadians who did not vote for the two parties dominating the upper chamber should be of some considerable concern to all senators. The recognition of the Canadian Alliance, a legitimate opposition party, would address the lack of representation of some 25 per cent of Canadians who supported the Canadian Alliance in the most recent federal election. In particular, this would address the lack of representation for over 212,000 Quebecers and over 114,000 Atlantic Canadians who voted for the Canadian Alliance. These voters have no representation in either chamber.

As well, Western Canada elected 64 Canadian Alliance members of Parliament out of a total of 88 seats in the four

Western provinces. Approximately 50 per cent of Western Canada's 3,772,814 voters voted for the Canadian Alliance in the last election. These voters have no representation in the Canadian Senate.

Canada's Senate has been the object of attack and derision for some time, very unfairly I must say. I do not think anyone is served well by this denigration. On the other hand, the inability of institutions to adapt to changing circumstances, particularly those within our own control, should be of concern to any organization.

The Senate would both diminish its critics and further legitimize its operations in the eyes of the general public should it consider the arguments outlined here. One of the primary purposes of this chamber is to protect "minority, sectional and provincial interests." I put it to honourable senators that much work needs to be done to live up to this intended purpose.

Finally, we must respect the changing nature of Canada's political landscape. The days of two party dominance in this country are at an end, if indeed such a system ever truly existed. The Liberals and the Progressive Conservatives are heirs to proud political traditions, but there are many other proud traditions in this country — the Liberal-Conservatives, the Conservatives, the United Farmers, the Social Credit Party, the Progressives, the CCF, the Union Nationale, the Cr ditistes, the Reform Party and, unfortunately, some independence movements all have a place in our democracy. To deny this reality is to deny Canada and to deny how Canada has grown and changed.

The time will come when another political party will form the government, as the time eventually came for new parties to serve as the official opposition. The Senate must prepare itself for these eventualities by creating the necessary rules and procedures to respect these changes. The denial of a place in the Senate for the Canadian Alliance is not simply an irritant that might one day go away. It is my hope that out of this question of privilege the Senate will make an historic attempt to adapt to change instead of ignoring it.

Honourable senators, when this chamber chose, whether willingly or not, to ignore its traditions and precedent and deny me my rightful place, a serious breach of privilege occurred. This breach of privilege not only denies my party its place but causes the Senate to deny its very own rules. This breach can be addressed through a thoughtful, forward-thinking approach to the rules of this place with regard to the status of parliamentary political parties.

Honourable senators, let us respect our own traditions. Let us respect the purpose for which the Fathers of Confederation created this chamber. Let us respect the changing nature of this great country.

Honourable senators, a ruling on this matter is of the utmost importance to this chamber, to Parliament and to Canadians. I therefore request that the Senate take the time to provide direction on this matter at hand. There is considerable precedent for the Speaker to do so.

In this regard, I refer to page 125 of *House of Commons Procedure and Practice*, edited by Marleau and Montpetit, where it is stated:

In informing the House...the Chair customarily explains (often in some detail) the factors which resulted in this finding. However, in such cases, the Chair will often acknowledge the existence of a genuine grievance and may recommend avenues of redress.

Regardless of the outcome, I would ask that the Speaker, give some strong direction regarding the resolution of this matter. The greatest expertise available for an equitable resolution lies in the offices of the clerks of this Parliament. I beseech the Speaker to provide direction in this matter.

Honourable senators, I made reference to the Commons in the United Kingdom where the Speaker has the statutory authority to determine who shall be designated as Leader of the Opposition in the lower chamber. I refer here to the Ministerial and Other Salaries Act, 1975, in that regard.

In light of the lack of existing rules and procedures in this place, the intervention of the Speaker in this matter, as per the United Kingdom, would be welcome.

The intervention is not without precedent in Canada. In the House of Commons in late 1995, the Reform Party achieved the same number of seats as the Bloc Québécois, which was the Official Opposition prior to the general election. The Speaker ruled on the matter in 1996, and the Bloc Québécois would remain as the Official Opposition on the basis of incumbency.

This is a serious and potentially historic matter. A decision of the Speaker and this chamber — of each and every honourable senator — beyond the basic ruling of *prima facie* is of the utmost importance. I submit that my privilege as a senator in this place has been breached by the fact that the rules, precedents and traditions of this place are themselves being breached. Having been designated the Leader of the Official Opposition in the Senate by the Leader of the Official Opposition in the other place, I humbly submit that I have a right to claim the role of Leader of the Opposition in the Senate.

In conclusion, I have tabled today a document that I hope will be scrutinized fully, and I am sure it will. I look forward to my colleagues' learned assistance on this very historic matter.

I ask His Honour to give this matter due consideration. I thank him for his patience.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator St. Germain is raising a very serious matter. Of course, questions of privilege should never be treated lightly. Let me try to understand the

arguments as raised by our colleague and address each of his points in turn.

Senator St. Germain has changed his political allegiance and now chooses to sit in this chamber as a member of the Canadian Alliance. Because the Canadian Alliance is recognized as the Official Opposition by the other House of Parliament, the Honourable Senator St. Germain seems to be suggesting that he, as the lone member of that party sitting in this chamber, should be the Leader of the Opposition. Furthermore, his contention that the failure of the Senate to recognize him as Leader of the Opposition in the Senate impairs his ability to function as a senator and is, therefore, a breach of his parliamentary privilege.

In other words, the honourable senator seems to advance the position that a decision in the other place determines the internal organization of the Senate and that the Senate has no say in the matter. That is a position we do not share. In any case, this is a matter of substantive disagreement and not a question of privilege.

• (1650)

Honourable Senator St. Germain seems to be contending that rule 1 of the Senate has been broken. I do not agree that it has, however, if that were the case, he should be rising on a point of order and not on a question of privilege.

Let me deal with the senator's point that the situation impairs his ability to function as a senator.

Honourable Senator St. Germain has access to the same rights and privileges as every other senator, namely, the right to attend the Senate and its committees, to vote in the Senate, to propose motions and amendments, to participate in Question Period, to participate in Senators' Statements and to propose inquiries. The honourable senator also has full access to office space, a global budget for staff and supplies, telecommunication services, travel allowance, access to parliamentary documents, and the Senate has allocated him a research fund. Those research funds are afforded equally to each senator. Therefore, I fail to see how his ability to function as a senator has changed in any way, let alone been impaired.

Honourable senators, rule 4(d)(ii) defines the Leader of the Opposition as follows:

...the Senator occupying the recognized position of Leader of the Opposition in the Senate or a Senator acting for the Senator.

The question, honourable senators, is this: Who does this recognizing?

It would seem from the intervention of the Honourable Senator St. Germain that he believes the House of Commons performs the act of recognizing the Leader of the Opposition under a rule of the Senate. I would submit that it is the Senate that determines the meaning of its own rules.

The longstanding practice of the Senate is to recognize as the opposition in the Senate the largest party represented in the Senate that is not the government. That party has always determined its own leadership, including the Leader of the Opposition. The Liberal Party has formed the government. The next largest party represented in this house is the Progressive Conservatives. They have duly chosen Senator Lynch-Staunton to be the Leader of the Opposition.

Honourable Senator St. Germain refers to the Speaker's ruling to the House of Commons in 1996. Honourable senators will remember that the reason the Speaker was called upon to rule on the status of the official opposition in that instance was that the election had resulted in a tie between two parties for the designation of official opposition. Faced with equal numbers, the Speaker ruled that incumbency should prevail. Obviously, the first consideration was numbers; otherwise, the largest party would have been the official opposition without question. That situation does not apply in this instance.

Honourable senators, it may be that we are entering a new era — and we certainly are — where the Senate may wish to review its internal organization and the manner in which parties are recognized. That is a matter for the Senate to decide, perhaps through debate in the Standing Committee on Privileges, Standing Rules and Orders. We do not feel that this is a *prima facie* case of privilege.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I was waiting to hear what the official opposition, at least the one I see here today, had to say. However, nothing was said. Do the Rules of the Senate allow us to ask that the debate on this issue be adjourned until tomorrow so we are better prepared to respond to Senator St. Germain's arguments and to those so ably put forward by Senator Robichaud, the Deputy Leader of the Government? Otherwise, I will have to make a few remarks, but they will be very brief.

[English]

The Hon. the Speaker: Honourable senators, I would rather not have to deal with the issue of postponing interventions for another day. Matters of privilege and order are usually matters of some urgency, and, if not, they are matters that should be dealt with expeditiously. Senator St. Germain may wish to comment on this, but if at all possible I would like to hear interventions today. Once I have heard them, I can make a decision on whether to take the matter under consideration or to rule from the Chair. My inclination is to take the matter under consideration, but I will have a brief consultation and give some thought to it during the course of any further intervention.

Senator Prud'homme, if I could have the benefit of your views now, that would be my preference.

Senator Prud'homme: Since this is the first time I have had occasion to rise in this new parliament, I should like to say how happy I am to see you in the Chair and how sad I am seeing the one who preceded you not continue. Both of you are good friends, and both of you honour the Chair. It was decided that you would be Chair, and I know that our long-time friendship will most likely continue.

I will not prolong the debate today; however, I would suggest that you not render a decision from the Chair today. Once the interventions have been completed, I would suggest that you might wish to reflect and come back tomorrow with a decision as to whether or not Senator St. Germain has a *prima facie* question of privilege. In my opinion, the honourable senator may have a good point.

I will now go back in history, to 1993, when the Bloc was elected as the Official Opposition. I know for certain that a meeting took place between the then Deputy Prime Minister and Mr. Bouchard as to the implications of that meant with respect to Mr. Bouchard's position as Leader of Her Majesty's Loyal Opposition. In that discussion, I am sure the question arose as to Mr. Bouchard's rights. His rights included the availability of a certain office, membership on particular committees, et cetera, plus the potential right to appoint the Leader of the Opposition in the Senate.

I will probably be contradicted about what I am about to say, but you may recall that, at that time, some people thought that I may have had an indication from Mr. Bouchard with respect to assuming the Leader of the Opposition for the Bloc. Such was not the case, but I never denied it because I refuse to comment on what is written in the newspapers. Those of you who may be curious and who are good researchers can look back at those records. I never denied that, but I never encouraged it. I just smiled and laughed. I thought it was quite interesting to read.

I, a federalist, yes, a nationalist, a *Canadien français* du Québec, yes, but a federalist, could hardly be the Leader of the Opposition representing a party that did not believe in my beliefs.

Having said that, I know that the Conservative Party of the day in the Senate went through much soul searching as to the possibility that such a thing could indeed take place. If they went through such agony in deciding whether such a thing could take place, that meant that the question had never been raised before. I would like to know who recommended the Leader of Opposition in the Senate in 1979 when Mr. Trudeau became the Leader of the Opposition in the House of Commons. Who did Mr. Trudeau recommend? I would like to know, when the Conservatives were in opposition in the House of Commons, if the leader of the party of that day recommended, yes or no —

• (17:00)

Senator LeBreton: No.

Senator Prud'homme: I must be very careful, if Senator LeBreton says no so categorically. She has much more knowledge than I on that, but I think it was suggested. In any case, Senator St. Germain is raising a good question.

I know what happened next. There was an election to choose a Leader of the Opposition among the party members. That no one would deny. I am very pleased that we sit now with Senator Lynch-Staunton as Leader of the Opposition here. He is an excellent gentleman, an excellent travelling companion, very knowledgeable. There is no negative reflection on his personality; it is only a question of process raised by Senator St. Germain.

Perhaps His Honour would require a little longer reflection with his able staff or perhaps he may be ready to rule immediately, today. My preference, as a friend of the court, as we say, would be for His Honour to take whatever time is necessary. Senator St. Germain is not demanding an immediate reply.

We can wait for His Honour to render a clear decision on the record as it has never been recorded before. I did not enter the debate in 1993. I was a new senator at that time, the first time the question was raised.

His Honour may wish to reflect on the matter and render his decision tomorrow. Like my friend, I am convinced that he will abide by his own decision tomorrow or whenever he sees fit to render his decision.

The Hon. the Speaker: I see no other honourable senators wishing to intervene on this issue. I have listened. I thank Senators St. Germain, Robichaud and Prud'homme for their interventions. I will take the matter under consideration and render a decision on whether a *prima facie* case has been successfully argued or whether it is a matter of order, or neither.

[Translation]

REVIEW OF ANTI-DRUG POLICY

MOTION TO ESTABLISH SPECIAL
SENATE COMMITTEE—DEBATE ADJOURNED

Hon. Pierre Claude Nolin, pursuant to notice of January 31, 2001, moved:

That a Special Committee of the Senate be appointed for a period of three years to thoroughly examine Canada's anti-drug legislation and policies, to carry out a broad consultation of the Canadian public, and finally, to make recommendations for a national strategy on illegal drugs developed by and for Canadians;

That the Committee, in pursuing this mandate, give particular importance to issues relating to cannabis and prepare an interim report on cannabis;

That without being limited in its mandate by the following, the committee be authorized to:

– review the federal government's policy on illegal drugs in Canada, its effectiveness, and the ways in which it is implemented and enforced;

– study public policy approaches adopted by other countries and determine if there are applications to Canada's needs;

– examine Canada's international role and obligation under United Nations conventions on narcotics and the Universal Declaration of Human Rights and other related treaties in order to determine whether these treaties authorise it to take action other than laying criminal charges and imposing sentences at the international level;

– examine the social and health effects of illegal drugs and explore the potential consequences and impacts of alternative policies;

– examine any other issue respecting Canada's anti-drug policy that the Committee considers appropriate to the completion of its mandate.

That the Special Committee be composed of five Senators and that three members constitute a quorum;

That the Honourable Senators Kenny, Molgat, Nolin, Rossiter and a fifth senator to be named by the Chief Government Whip be named to the Committee;

That the Committee have the power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers, briefs and evidence from day to day as may be ordered by the Committee;

That the briefs received and testimony heard during consideration of Bill C-8, An Act respecting the control of certain drugs, their precursors and other substances, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the Committee;

That the papers and evidence received and taken on the subject and the work accomplished by the Special Committee on Illegal Drugs during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee have the power to authorize television, radio and electronic broadcasting, as it deems appropriate, or any or all of its proceedings;

That the Committee be granted leave to sit when the Senate has been adjourned pursuant to subsection 95(2) of the *Rules of the Senate*; and

That the Committee submit its final report not later than three years from the date of its being constituted.

He said: Honourable senators, as the water has gone under the bridge, you will permit me a small digression. In 1996, we had before us Bill C-8, respecting the control of certain drugs and other substances. After more than three months' study, the Senate Standing Committee on Legal and Constitutional Affairs, then chaired by Senator Sharon Carstairs, reached the clear conclusion that the bill required a number of amendments, which we managed to draft, and especially that it was vital to do a thorough study in order to provide the technical, moral or sociological information on the control of illegal drugs, which was lacking. Many of the experts we heard said that the legal framework incorporated in the law was not only inappropriate to the body of accumulated knowledge but was ineffective and produced human and social consequences often much more serious than the drugs themselves.

As the result of a motion I put to this house in June 1999, the Senate struck a special committee to study illegal drugs in Canada, in April 2000. This special committee, which had a mandate to thoroughly examine all policies on illegal drugs in the light of scientific knowledge and Canadian public opinion, met until the election call in October. I am pleased to table a brief report describing the main work begun by the committee. I am asking you today, honourable senators, to renew the mandate of this special committee. Copies of the report will be distributed to you, and I would remind you that this document was e-mailed to you several days before the Speech from the Throne.

Honourable senators, it is essential that we conduct a rigorous review of all the problems relating to illegal drugs in Canada, because the challenges that illegal drugs continue to pose to Canadian society are huge and very serious.

They are, first, of a legal nature, because some landmark decisions by higher courts have questioned the provisions of the current legislation regarding the use of cannabis for therapeutic purposes. Moreover, a number of legal experts feel that current policies regarding the implementation of the legislation contribute to undermining individual rights and even Canadian sovereignty.

The challenges are also of an economic nature, since drug abuse and all the measures relating to illegal drugs generate major costs for Canadian society. Some specialized bodies estimate the total direct costs at about \$1.5 billion annually. Considering the enormous amounts of money at stake, we have to ask whether our policies are the most effective and cost-effective ones.

The challenges are also of a social nature, since illegal drugs are a major cause of crime, particularly in the case of organized crime. Regardless of what one may think about tougher anti-drug legislation, we all know that such a measure will target the symptoms rather than the root cause of the problem. And what about the effect of drugs on certain risk groups in Canadian society, particularly aboriginal communities?

The challenges are also of an individual nature. Indeed, we must take into account the lives that are broken either by the drugs themselves, by the public policies that we have implemented or by those that we did not.

Finally, illegal drug policies pose challenges in international relations, including with our neighbour, the United States.

• (1710)

For all these reasons, the mandate of the special Senate committee on illegal drugs is even more critical. Close to 15 years after Canada's Drug Strategy was first adopted, the time has come to step back and have an in-depth look at public policies on illegal drugs. Far from contradicting any measures the various levels of government might take immediately concerning illegal drugs, this exercise will support them in several ways. The special committee will foster and support essential research. As well, the committee's proceedings will be public, thus passing on firsthand and rigorous information to the Canadian public. Finally, in view of their importance, issues regarding cannabis will be given particular attention during the first year of the committee's work and will lead to the drafting of an interim report on every aspect of policies relating to this drug.

You know as I do, honourable senators, that in the Senate we have the advantage of being able to conduct rigorous reviews without concern for party politics. Issues relating to illegal drugs and public policies in this matter require just this kind of review. In addition to being able to carry on studies and hear expert witnesses, we can also hear citizens of this country and, at the same time, pass on to them complete and objective information. These are advantages the special committee will certainly want to make full use of.

Allow me, honourable senators, to highlight some aspects of the problem of illegal drugs in Canada.

To start with, the extent of the phenomenon. The first national study on drug abuse dates back to 1994. It revealed, among other things, that close to 24 per cent of Canadians had used illegal drugs at one time or another; close to 23 per cent of Canadians had used cannabis; some 4 per cent had used cocaine and less than 1 per cent had used other drugs.

A number of more recent studies carried out in some of the provinces, including Quebec, show a change in the consumption patterns, especially among the young people. For instance, the 1998 Health and Social Survey released a few weeks ago and a study presented to the special committee during its public hearing on October 16, 2000, by Professor Zoccolillo, of McGill University, indicate among other things an increase in the use of cannabis, especially among young people; an increase in so-called problem use among high school students; a possible increase of some forms of addiction, including to cannabis; a possible increase in the use of hard drugs among young people, especially heroin; and last, more frequent use of multiple drugs, or what is called drug cocktails.

Studies in other countries such as France, Switzerland, Belgium, England, Australia and the United States also tend to confirm these patterns.

We are also aware that abuse of various substances is causing major problems in several native communities, where the use rate seems to be higher, multiple drug use more frequent and the impacts of substance abuse, namely a higher rate of family violence and deaths, are more serious. We recently had a very tragic example of this problem with native youths from Labrador sniffing gasoline. An in-depth review of the problems caused by illegal drugs cannot ignore the unique plight of the First Nations and cannot, obviously, deal only with cannabis.

Other groups of the population are at high risk. Studies indicate that injection drug users are now one of the groups at highest risk for transmitting the HIV-AIDS virus. Users of the so-called hard drugs are also at risk, as indicated by the stunning figure of 3,000 drug-related deaths for the city of Vancouver alone since 1992 because of the lack of information and prevention and treatment programs. Would the suppression of drugs result in the death of users? Inmates of jails and penitentiaries are also a high-risk group. We know that a considerable number of inmates use drugs during their incarceration, and yet there are no mechanisms for treatment or even prevention. A number of inmates become habitual users during incarceration. I am talking of injectable drugs, leading to the transmission of AIDS and to death, not cannabis.

We know that there is a far from insignificant relationship between illegal drugs and crime. I hardly need stress the problems connected to organized crime. Too often we ignore the fact that a significant proportion of offences committed are connected to drug use or drug seeking. According to some estimates, no less than 50 per cent of all crime is related to substance abuse, drugs or alcohol. If this were so — and the special committee will need to look into this matter carefully — the social and economic costs to Canadian society are enormous. Let us keep in mind that the National Crime Prevention Centre has estimated the direct and indirect costs of crime at \$35 billion yearly, or \$1,200 per person. Even half that figure is a huge amount, particularly when one knows that there are effective and cost-effective ways of preventing substance abuse and the crime-generating effects of drug use. Certain estimates—which also merit careful consideration by the committee — estimate the annual costs of suppressing drugs at over \$400 million, or nearly \$13 per person. This figure does not include the indirect costs relating to those who are sentenced and imprisoned: court time, prison time, the resultant greater difficulty in getting into the job market, finishing schooling, maintaining emotional relationships. The impacts of judicial control policies need to be examined as well. In fact, a number of analysts are of the opinion that police repression is one of the major factors in drug-related crime.

In fact, a relatively disturbing trend in the application of the legislation on drugs may be seen in Canada. Despite the

expressed desire for a policy balancing the four pillars — prevention, education, repression and treatment, there is significant increase in charges for possession of drugs, including cannabis. This increase has occurred as overall crime reported to the police has been on the decrease for the past seven years. In 1997, over 40,000 people were charged with offences relating to cannabis alone — 65,000 in the case of all drugs — and over 18,000 were sentenced; 26 per cent of those charged with cannabis related offences were under 18, and 60 per cent were under 25. Furthermore, and despite all too commonly held beliefs during this same period of decreased delinquency, the rate of incarceration and the overall severity of sentences in Canada increased rather than decreased.

Another subject of concern is the infringement of the basic rights of individuals and certain suspect police practices. A disturbing documentary broadcast on the CBC's program *The Fifth Estate* in January raised questions about practices of police cooperation between the RCMP and the American DEA. Experts in international law contend that certain aspects of Canada's sovereignty are at stake.

According to a number of experts, Canada is to a large extent following a drug war policy borrowed in part from our American neighbours. According to others, Canada's policy is balanced among various approaches. In both cases, caution is necessary, and we would be mistaken to prejudice Canadian policy on the basis of information provided essentially by the media. Everything would indicate that the policy followed in the field is complex and varies among provinces and even among cities within the same province. In addition, experts are far from agreeing on the current direction of Canadian policy. The distribution of funding and resources among each of the four pillars much be examined in depth along with the type of action taken under each of them. In view of the growing number of so-called prevention programs, in the schools for example, it is time we asked whether the programs are effective and if the best prevention and education programs are being supported.

• (1720)

One can assume that even in the area of education and prevention a whole series of myths on the physiological and psychological effects of illegal drugs are still very much alive. Several studies on the therapeutic effects of cannabis were conducted over the past few years and were reflected in several recent decisions by the Supreme Courts in Ontario and Alberta. We realize that our beliefs and the results of research on drugs are not necessarily in agreement. A case in point is the "Gateway Drug" theory that cannabis leads to use of harder drugs. And what about these infamous hard drugs when we now know that tobacco addiction is worse than addiction to cocaine or heroin. We will have to revisit the myths and realities surrounding the concept of addiction and habituation to various drugs and their interconnection.

I want to raise one last point, honourable senators. Canada is a signatory of international conventions and treaties on narcotics, but also of more encompassing instruments such as the Universal Declaration of Human Rights and other related political and social conventions. We must respect our international commitments. On the other hand, we cannot take refuge behind the strict interpretation of treaties and conventions on narcotics. It is true that Canada, like others, has some leeway. The Netherlands are often given as an example, but several other countries have adopted policies better suited to their situation: Belgium very recently, Switzerland over the last two years, Australia, Italy, and to a certain extent England are some examples. These policies deal with cannabis as well as other drugs. The time has come to take the time to look at what is being done elsewhere to contribute to an earnest reflection on what we want for ourselves here.

Allow me a few more minutes, honourable senators.

[English]

• (1720)

The Hon. the Speaker: Honourable senators, I wish to point out that the time allotted to Senator Nolin has expired.

Honourable senators, is leave granted to extend the time?

Hon. Senators: Agreed.

Hon. Anne C. Cools: He has not asked for an extension.

Senator Nolin: For Senator Cools, I request consent to speak for another six pages.

[Translation]

Following my presentation on some of the problems posed by illegal drugs, three basic requirements come to mind.

First, a rigorous and comprehensive review of our policies on illegal drugs is necessary. If we must give particular attention to cannabis, that drug should not be singled out, nor the policies relating to it. Drugs are linked to one another. They are linked to crime, family violence, AIDS and to the social exclusion that hits any young people or aboriginal communities so hard. The drug phenomenon must be examined as a whole. Drugs cannot be separated. Similarly, the public policies that deal with them are supposed to form a consistent package. Should our review show that such is not the case and that ours is a piecemeal approach, then it would be high time to propose benchmarks for a more consistent system.

Second, the scientific community, experts in national and provincial anti-drug organizations and officials from the departments responsible for anti-drug policies are unanimous in pointing out and even condemning the weakness of our research effort on drugs in Canada, one of the worst among OECD countries.

As I said earlier, the most recent Canada-wide study on drug use dates back to 1994. Yet there is every indication that drug use and the means employed have changed significantly since. We do not have data on the rulings issued by the courts. Yet we fund major projects to create special tribunals on drugs. We do not have reliable data on the effectiveness of public policies. However, the crackdown alone costs hundreds of millions of dollars to the Canadian Treasury. Something must be done.

And third, the Canadian public expects and is demanding from us a public policy on drugs that is consistent, generous, and based on the values that underlie and characterize our country. The Canadian public expects rigorous and impartial information on illegal drugs, and wants to take part in redefining the direction that a made in Canada and for Canada policy on illegal drugs should take. Public policy is ultimately up to citizens. Not only is it made for them but it must, to the extent possible, be made with them. For this to happen, information must be shared and disseminated and there must be also be education. This is the whole reason for the public hearings the committee is proposing to resume.

A public policy on illegal drugs cannot and must not be based on a collection of myths and beliefs, the preservation of individual fiefdoms and corporate interests. Similarly, a public policy will not reflect point for point the opinions gathered in a survey. Governing is about choice, and these choices must promote balance and strengthen the values on which our Canadian society is built. If a special Senate committee on illegal drugs succeeds in promoting research and summarizing the knowledge acquired, transmitting objective information to Canadians, and encouraging public debate, and makes it possible to define a certain number of guidelines for a national public policy on drugs, such a committee, honourable senators, will have been visionary and will have fulfilled the role of this chamber in the conscience of Canadian society as a whole.

Honourable senators, the initial work of the special committee on illegal drugs, and other recent events and testimony, has convinced me even more of the need to take a rigorous and open-minded look at public policy in this area in order to propose to Canadian society the criteria for a regime worthy of the collective vision of Canadians in the next century. I therefore urge you to actively support the work of the special committee on illegal drugs.

[English]

Senator Cools: I wish to put a question to Senator Nolin. He has done a lot of work on this issue, work that will benefit us all.

The second paragraph of the reference states:

That the Committee, in pursuing this mandate, give particular importance to issues relating to cannabis....

Perhaps Senator Nolin could tell us what those issues are.

Senator Nolin: The issues relating to cannabis are the same as those relating to other drugs. However, we must take into account the popularity of cannabis, to which I alluded in my speech, and the use of drug cocktails by younger Canadians.

It is proper to look at cannabis first, for two reasons. First, two major tribunal decisions are pending upon this Parliament.

• (1730)

The government must deal with the medical use of marijuana before the end of July or introduce an amendment to the drug law, Bill C-8. From what I understand, the government intends to

move toward a rule or regulation under the law. Nevertheless, the end of July, it must adopt a position in that respect.

Second, marijuana is a popular drug. The rate of criminality going down for every crime save one — drugs. We owe it Canadians to look at that drug first, to table an interim report and then to follow through with a study of other drugs.

Senator Cools: Good answer.

On motion of Senator Robichaud, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Wednesday, February 7, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, February 7, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before calling Senators' Statements, I have been asked by some honourable senators and the Table to remind all of my colleagues of the provisions of rule 19(3), which states:

If Senators have occasion to have private conversations in the Senate Chamber, they shall go below the Bar, otherwise the Speaker shall order them to do so;

The admonition to me is to pay more attention to this rule. It is to be hoped that by drawing the rule to the attention of all honourable senators, it will not be necessary for me to make that request.

SENATORS' STATEMENTS

INTERNATIONAL TRADE

PRINCE EDWARD ISLAND—UNITED STATES EMBARGO ON POTATOES DUE TO FUNGUS

Hon. Catherine S. Callbeck: I rise today to inform honourable senators about a serious situation currently unfolding in my home province, one which is leading to dire economic consequences. As senators may be aware, a fungus discovered in October in one small corner of one small Prince Edward Island field has resulted in the closure of the United States border to all Island potatoes. For four months, world-famous Prince Edward Island potatoes have been left to rot in warehouses across the province, denied entry to the lucrative U.S. market. Since this discovery, my home province's number one industry has been in a state of chaos and is in desperate need of federal help.

There is overwhelming scientific evidence that this fungus was isolated to that one small area. However, it is obviously of no concern to the United States Department of Agriculture and, despite thousands upon thousands of clean soil samples, the border remains closed.

It has become quite apparent to those working toward a solution in this crisis that the issue is no longer one of protecting

the United States domestic potato industry in the potato wars; rather, this has become entirely a trade issue. Island potatoes have been unjustifiably turned away at the border, missing the lucrative Thanksgiving and Christmas markets, to the great benefit of U.S. potato producers.

Honourable senators, this oppressive action by the United States has caused a tremendous amount of concern in Prince Edward Island, not only about the future of the province's number one industry, an industry that generates many millions of dollars every year, but about the serious economic implications to the province as a whole. Already the damage is starting to spread throughout the economy. The trucking industry has been devastated, as have potato-packaging operations. In a small province, the ripples quickly extend beyond what one would normally expect. Businesses of all kinds throughout Prince Edward Island are starting to feel the effects of this crisis in the agricultural community, and there is no doubt that action must be taken immediately.

This is certainly not to diminish the efforts to date of those attempting to negotiate a settlement. Negotiating officials — representatives from the Federation of Agriculture, the Prince Edward Island Potato Board, four Island Liberal MPs and many others — have been working hard to bring about a resolution to this situation. However, at this time the situation only will grow worse for Prince Edward Island farmers and the entire Island economy.

Today, I urge the Minister of Agriculture to do whatever is necessary to come to the table as quickly as possible with a significant financial package to assist potato producers in Prince Edward Island. I also ask honourable senators to do whatever they can to assist in this regard.

THE LATE DAVID IFTODY

TRIBUTE

Hon. Mira Spivak: Honourable senators, I wish to say a few words about the late David Iftody, the former Member of Parliament for Provencher. I have spent many hours travelling between Winnipeg and Ottawa with David Iftody. He was a bright, intelligent and warm spirit, full of life and vitality, hopes and dreams. His perspective of human relations, politics and life in general was pervaded by a lovely sense of humour that, while gentle, was wickedly keen. He was struck down in his prime — too soon. I extend my sympathy and condolences to his family. We will all miss him.

[Translation]

THE LATE FULGENCE CHARPENTIER

TRIBUTES

Hon. Jean-Robert Gauthier: Honourable senators, I should like to pay tribute to Fulgence Charpentier. His death yesterday marked the end of a very full life that bridged three centuries, from 1897 to 2001. Is that not fantastic? Three centuries: the 19th, the 20th and the 21st.

● (14:10)

We are all saddened by the passing of this great Franco-Ontarian journalist, diplomat and committed family man. Mr. Charpentier's life and career were extraordinary.

Born in Ste. Anne de Prescott, Ontario, in 1897, Mr. Charpentier pursued his studies in Quebec and Ontario, Toronto in particular, where he studied law.

His journalistic career began at *Le Droit* in 1913, from whence he moved to *Le Devoir*. After returning to *Le Droit* in 1922, he served as parliamentary correspondent for *Le Canada*, *La Presse* and *Le Soleil*.

He adored parliamentary debate, but eventually moved from journalism to the federal public service, where he had a long career as a diplomat to a number of countries.

When his diplomatic career came to an end, he returned to *Le Droit* in 1968, as a freelancer, editorial writer and commentator on international affairs, an area in which he had a great deal of knowledge.

I can tell you that he sometimes gave me excellent advice in that area. I remember 1994 in particular, when he provided some excellent advice relating to the foreign policy review conducted by Parliament.

His stopped writing for *Le Droit* only very recently, in 1999, when he was 101! Mr. Charpentier was the dean of journalists in Canada, probably in the whole world.

Canada has lost a great citizen. This was a man of great intelligence, a man with a phenomenal memory and great kindness. He has left a great heritage by which he will be remembered.

Mr. Charpentier was a great French Canadian, passionate about national and international politics. His writings show that passion, and will be a source of inspiration for coming generations. We extend our most sincere sympathies to the family — Claire, Louise, Jean, Jacques, and his 15 grandchildren. The name of Fulgence Charpentier will remain in our collective memory for centuries to come, three at least.

[Later]

Hon. Gérald-A. Beaudoin: Honourable senators, I frequently had occasion to meet Fulgence Charpentier, who has just passed away.

I have always had the greatest respect and the highest esteem for him. This journalist lived through the entire 20th century, from beginning to end, an exceedingly rare occurrence. He was indefatigable and well versed in Canadian history.

I consulted him on a number of occasions on the lives and works of our great statesmen, and it was a pleasure to listen to him. We have lost a great journalist and a great Canadian.

[English]

BLACK HISTORY MONTH

Hon. Donald H. Oliver: Honourable senators, we are in the month of February — the month in which we celebrate the struggles, accomplishments and contributions of the people of African heritage in North America. Dr. Carter Woodson, who initiated Black History Month, was keenly aware of the psychological effects the month of February would have on the American psyche. February is the anniversary of the birth of Frederick Douglass, who fiercely campaigned against slavery. It also coincides with the birthday of the great abolitionist Abraham Lincoln.

In Canadian terms, February is the month when Canada honours the life of Mathew Da Costa. He was the first recorded African-American to settle in Canada, in the year 1605. The Honourable Dr. Hedy Fry, Canada's Secretary of State for Multiculturalism, acknowledge that:

Mathew Da Costa, a former slave of the Portuguese, came to Nova Scotia in 1605, as a navigator and interpreter for the French colonists. He helped found Port Royal and worked with explorers Pierre de Monts and Samuel de Champlain to communicate between the Micmac and French peoples. The diversity of our country is what defines us as Canadians. We all need to understand more about each other, and learn to work together, just as Mathew Da Costa did with the early settlers and the Aboriginal peoples.

Honourable senators, Black History Month is the month when Canadians learn more about the historically suppressed background of the people of African origin. North American history is replete with examples of bigotry and discrimination against blacks.

In 1997, Professor James L. Torczyner of McGill University conducted a study of the major problems affecting the black communities of Canada. He concluded that even though black workers had almost comparable levels of educational attainment as non-blacks, they tended to have higher percentages of unemployment than other people in the Canadian population as a whole — 15 per cent to 10 per cent. Their average income was 15 per cent less than those of the average Canadian, and more than 30 per cent of black communities lived below the poverty line as opposed to 16 per cent of other Canadians.

In conclusion, honourable senators, although Canadians often romanticize the assistance they extended to the underground runaway slaves, black Canadians still suffer from racist policies and systemic discrimination. Perhaps the mission of the Canadian Race Relations Foundation should be expanded to include enhanced involvement in the activities of black communities.

In addition to taking part in the month-long celebrations, I would also encourage honourable senators to support educational conferences, cultural exhibits and the inclusion of more material on black history in school curricula.

RHEANNA COULTER-SAND JANICE BOLEN

TRIBUTE ON RECEIVING PERSONS CASE SCHOLARSHIPS

Hon. Thelma J. Chalifoux: Honourable senators, I rise today to recognize the Persons Case Scholarships, which were established in 1979 to mark the fiftieth anniversary of Alberta's Famous Five. The Persons Case declared women as persons under the law. The scholarships are awarded to women and men whose studies are in a field where members of their gender are traditionally under-represented.

Wendy Joy, co-chair of the selection process, stated that "The two women that were chosen exemplified the qualities that we were looking for."

Rheanna Coulter-Sand, a third-year animal biology student at the University of Alberta, became one of two University of Alberta students to earn an Alberta Persons Case Scholarship. Janice Bolen, a fourth-year chemical engineering student at the University of Alberta, was the other student to receive financial assistance through this program.

Janice Bolen is pursuing her career in chemical, environmental or alternative energy engineering. She works at the EPCOR Environmental Affairs and Sustainable Development Department as a co-op student. She focuses on wind framing and landfill gas reclamation projects and hopes to be a role model for other women entering the field of engineering.

Rheanna Coulter-Sand, although majoring in animal biology, is also considering entering the biotechnology research field upon her graduation. She is also an aboriginal student, a Métis,

who is proving to the world that aboriginal youth are taking their rightful place in Canada's scientific forum.

Janice Bolen, who sees her role as encouraging more women to enter her chosen field, has said, "I hope to be a role model for other women coming into engineering and to go beyond the stereotype that only men are engineers."

Thanks to the Famous Five and the struggles that they endured, I am also very proud today that my family has been honoured, for Rheanna Coulter-Sand is my granddaughter.

Honourable senators, please join me in congratulating both of these young women, who are important role models and who are part of our life and our culture in Canada.

[Translation]

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Léonce Mercier, Chairman of the Committee of Selection, presented the following report:

Wednesday, February 7, 2001

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to Rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it nominates the Honourable Senator Losier-Cool as Speaker *pro tempore*.

Respectfully submitted,

LÉONCE MERCIER
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Fernand Robichaud (Deputy Leader of the Government): At the next sitting of the Senate.

The Hon. the Speaker: It is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Kinsella, that this report be taken into consideration at the next sitting of the Senate.

Senator Robichaud: Honourable senators, I should like to withdraw this motion, because there would be consent to consider the report now. Perhaps Senator Kinsella could make his intentions known.

[English]

• (1420)

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Gerry St. Germain: Honourable senators, we at this end would like to be advised as to what is going on.

The Hon. the Speaker: Let me review where we are, honourable senators, so that neither you nor I is confused. A report from the Committee of Selection has been tabled. I thought it was to be taken into consideration at the next sitting. However, I believe there is a request for leave to consider the matter now. Is leave granted, honourable senators?

An Hon. Senator: No.

The Hon. the Speaker: I hear a dissenting voice. The report will be taken into consideration tomorrow.

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Lorna Milne presented Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (Census Records).

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Milne, bill placed on the Orders of the Day for second reading Tuesday next.

ROYAL ASSENT BILL

FIRST READING

Hon. John Lynch-Staunton (Leader of the Opposition) presented Bill S-13, respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Lynch-Staunton, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

SIR JOHN A. MACDONALD DAY AND SIR WILFRID LAURIER DAY BILL

FIRST READING

Hon. John Lynch-Staunton (Leader of the Opposition) presented Bill S-14, respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day.

Bill read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Lynch-Staunton, bill placed on the Orders of the Day for second reading two days hence.

[English]

TOBACCO YOUTH PROTECTION BILL

FIRST READING

Hon. Colin Kenny presented Bill S-15, to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Kenny, bill placed on the Orders of the Day for second reading two days hence.

QUESTION PERIOD

INTERNATIONAL TRADE

TRADE MISSION TO CHINA—REQUEST FOR NAMES
OF PEOPLE ACCOMPANYING PRIME MINISTER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Could the minister advise this house as to the names of those persons who shall be accompanying the Prime Minister on his visit to China?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not know who will be accompanying the Prime Minister. It is a very interesting question. I am sure everyone is all very curious about it. I will try to get the list and provide it not only to Senator Kinsella but to all members of this chamber.

FINANCE

AUDITOR GENERAL'S REPORT—
LACK OF BUDGETARY PLANNING ON POSSIBLE
COMPLICATIONS RESULTING FROM AGEING POPULATION

Hon. Brenda M. Robertson: Honourable senators, my question is for the Leader of the Government in the Senate.

The concept of sustainable longevity is very much an important issue in many countries. Sustainable longevity means, of course, more than increased life expectancy. It means added years of quality life, in other words, added years free of poverty, crime, disease and disability.

In this regard, the Auditor General's report caught my attention. The Auditor General notes that, by 2030, those over the age of 65 will make up about 22 per cent of the population, compared with 12 per cent now. Of course, those demographics we have known for some time. The ageing population, however, will put tremendous pressure on government finances down the road, particularly in terms of health care and pension costs. The Auditor General warns that the Department of Finance's budgetary planning is not sufficiently taking into account the long-term implications of the ageing population.

Can the Leader of the Government in the Senate inform the chamber why this is the case?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question, particularly because it is of concern to each and every one of us that the demographics in this nation are clearly indicating the trend referenced by the Auditor General. We have an ageing population. Those of us who worked on the special Senate report entitled "Quality End-of-life Care," which deals with the rights of every Canadian in that regard, learned that the pressure will only increase.

As to the specific question on the government's current strategies, I cannot give a reply. I will seek that information and will bring it to the senator as quickly as possible.

Senator Robertson: Honourable senators, if I might be a bit more specific, the projections of the Department of Finance run from two to five years in these matters. The Auditor General feels that those projections are very shortsighted. Certainly a two-to-five-year projection will not give us the help we will need when we get into the years 2015, 2020. If the department keeps moving in that direction, there will not be time to catch up. That is the question I should like the Leader of the Government to ask the Minister of Finance: Why the short-term planning on this very important problem?

Senator Carstairs: As honourable senators know well, there was a day when finance departments projected only year to year. Certainly in the province where I lived, that was very much the process until about the beginning of the 1990s when people began to realize that a broader sense of reference was needed for the direction of a province's or a nation's finances. Clearly, on the issue of massive demographic changes, we need a broader examination of the future impacts on society. I will take the honourable senator's question to the Minister of Finance.

INDUSTRY

COMMITTEE ON INTERNAL TRADE—
REQUEST FOR 1999 AND 2000 ANNUAL REPORTS

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate. Chapter 16 of the Agreement on Internal Trade created a ministerial committee that is supposed to supervise the implementation of the agreement. This Committee on Internal Trade is co-chaired by the federal Minister of Industry. Article 1601 requires the committee to prepare an annual report.

Although the Prime Minister and his provincial and territorial colleagues signed the agreement over six years ago, in July of 1994, only three annual reports have been released. The first annual report was issued on February 20, 1998, and it covered the 18-month period of July 1994 to March 31, 1996. The second annual report covered the March 31, 1997 fiscal year and was only released after I raised this matter in the Senate on May 26, 1998. The third annual report covering the March 31, 1998 fiscal year was issued on October 2, 1999. This failure to honour Article 1601's reporting requirement is depriving Canadians of their right to know about this issue, and it cannot continue. Over two years have now elapsed since the last annual report for the March 31, 1998 fiscal year.

Therefore, I should like to ask the Leader of the Government the following: First, will she advise when we will receive the annual report that covers the two fiscal years ending on March 31, 1999 and 2000? Second, will her government undertake that henceforth these annual reports will be issued each and every year and tabled on a timely basis in Parliament?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his questions. I can advise the honourable senator that I will seek to discover, as quickly as I can, the whereabouts of the report for March 31, 1999 and the report for March 31, 2000. I will try to make those reports available to members of this chamber in a timely fashion.

I will ask the second question as well, which is: Can we be assured of the timely distribution of the report that should be coming out in March 2001?

INTERNATIONAL TRADE

EFFECT OF INTERPROVINCIAL TRADE BARRIERS
ON ATTRACTING FOREIGN INVESTMENT

Hon. James F. Kelleher: Honourable senators, again my question is to the Leader of the Government in the Senate. The fact that this government has failed to deal with Canada's interprovincial trade barriers has not gone unnoticed by our trading partners and foreign investors. Last May, the ambassador and head of the delegation of the European Commission in Canada appeared before the House of Commons Subcommittee on International Trade, Trade Disputes and Investment. The European ambassador took this opportunity to remind investors that it is easier to trade within Europe than it is to trade within Canada. Here is what she said, in part:

...trade within the European market is facing fewer internal barriers than trade within the provinces of Canada. Any Canadian exporter or operator has only to face one external EU border and thereafter can move its business around our single market without further complications.

Investors are also aware that it is often easier to sell goods and services across Canada if they locate in the United States than if they locate in Canada. As a result, Canada is losing jobs.

Last year, the government's Internal Trade Secretariat published a list of outstanding obligations that is 14 pages long. Will the Leader of the Government explain to the Senate why, after seven years in office, this government continues to allow interprovincial trade barriers to discourage investment and job creation in Canada? I would also ask that the Leader of the Government table in the Senate an action plan to provide Canadians with detailed information on how the government intends to deal with this 14-page list of outstanding obligations.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, once again, I thank the honourable senator for his question. He of course knows well the principal problem with the elimination of interprovincial trade barriers. It is the provinces themselves that have been most reluctant to make any progress on the removal of such barriers.

The honourable senator is correct in his statement that it is easier to trade in Europe because European countries, amongst themselves, have chosen to reduce those trade barriers. It can be easier, I might add, to use one's professional skills from country to country in Europe than it is to use one's professional skills across this great dominion of ours.

The reality is, I regret to say, that until the provinces are serious about negotiating the removal of those barriers, it is unlikely those barriers will come down. However, I will take the honourable senator's message that we should, as a federal government, be doing our part to negotiate the removal of those interprovincial trade barriers.

To answer the second question, if such an action plan exists with respect to the 14 obstacles, I will try to get a copy of that. If one does not exist, I will ask why.

HEALTH

DECISION ON ADDITION OF CAFFEINE TO BEVERAGES— REQUEST FOR PUBLIC INPUT

Hon. Mira Spivak: Honourable senators, officials of Health Canada say they are very close to deciding whether to allow soft drink manufacturers to add caffeine to such citrus-flavoured beverages as Mountain Dew. A decision could come in the next several weeks. For many months, Pepsi has been advertising its Mountain Dew product in Canada as if it were the same high-caffeine drink as in the United States. Young Canadians are invited to "Do the Dew," suggesting that they will get a jolt of caffeine from it.

As senators will recall, in June 1999, this chamber passed a motion urging the government to maintain its current regulation

on caffeine until there was evidence that any change would not be detrimental to the health of Canadians, in particular young people. The government promised a scientific review of caffeine. A draft report of that review was made available through the Access to Information Act in November 1999, but no final paper has been published or publicly released by the department while the department searches for a peer-reviewed journal that will accept it. Health Canada says that the publishing of the findings of the review and the decision are not linked. I beg to differ.

My question to the Leader of the Government in the Senate is: Can she guarantee or can she ask the minister to guarantee that the decision will be delayed until the report is published and there is a chance for the public to comment on it? My fervent hope is to delay this thing altogether. I would ask the minister if she could guarantee that.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. Let me begin by saying that the submission requesting the extension of the use of caffeine is still under review, and no immediate action is to be taken. I can assure the senator that the process is ongoing.

I think we all know the background of this particular situation. Pepsi-Cola Canada has asked for the elimination of the restriction because they want to add caffeine to a number of the products. The present restriction clearly does not meet with the express satisfaction, but it has not been lifted. Until we have all of the scientific evidence at our disposal, it will not be lifted. If the evidence indicates that it should not be lifted, then more information is that it will not be lifted.

Senator Spivak: I simply want to add that —

The Hon. the Speaker: Do you have a follow-up question, Senator Spivak?

Senator Spivak: No, just a short comment. I would hope that in view of the child-based agenda —

The Hon. the Speaker: You cannot make a speech, Senator Spivak; it must be a question.

[Translation]

HERITAGE

AUDITOR GENERAL'S REPORT— EFFICACY OF ALLOCATION PROCESS FOR GRANTS— ROLE OF MINISTER WITH REGARD TO APPROVAL

Hon. Pierre Claude Nolin: Honourable senators, yesterday I told the Leader of the Government in the Senate about the Auditor General's report and its findings on the Department of Canadian Heritage, particularly as regards the Canadian multiculturalism program. A closer look at the report reveals that the departmental internal audit to which I referred yesterday covered a fairly short period, that is from January 2000 to May 2000. The audit showed that three of the projects that were approved were inconsistent with the objectives of the department's program.

• (1440)

Worse still, four of the projects reviewed received grants and contributions, even though public tenders should have been called.

Could the minister please provide details on these seven projects?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am sure Senator Nolin knows that I do not have that kind of detail at my fingertips, but I will try to obtain such detail for him.

I do wish to tell the honourable senator, though, that I did make inquiries with respect to his question yesterday, and the information that I was given at that time was that the minister signs everything.

Senator Nolin: Honourable senators, this means, therefore, that the minister is at the end of the process, and the minister, of course, is responsible for signing all grants from her department, which includes the multiculturalism program. That is the honourable leader's answer.

REQUEST FOR DETAILS ON ACTION PLAN

Hon. Pierre Claude Nolin: Honourable senators, the response of the Minister of Heritage printed in the Auditor General's report makes a strong promise, and I shall read from page 69 of the French version of the report.

[Translation]

When the internal audit revealed that the results of departmental due diligence initiatives were not sufficiently reflected in audited files, a Management Improvement Action Plan was established. This Management Improvement Action Plan completes the Performance Management Framework (implementation through a national workshop in November 2000), the revision of management controls and structures, and an exhaustive centralized monitoring of project files for National Review Committee recommendation. A set of directives addresses specific deficiencies identified during the audit.

My question for the Honourable Leader of the Government in the Senate is simple. Would it be possible for her to obtain from the Minister of Canadian Heritage the Management Improvement Action Plan that she established following the internal audit, as well as the set of directives addressing specific deficiencies identified during the audit? Can the Leader of the Government in

the Senate obtain details of these promises by the Minister of Canadian Heritage?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Nolin for his question. First, let me concur with the senator's original statement that the minister signs all grants for her department.

Second, with respect to the action plan and the directives based on that action plan, which were announced in November 2000, I will attempt to obtain all the details that I can for the honourable senator.

PUBLIC SERVICE COMMISSION

AUDITOR GENERAL'S REPORT—

ADEQUACY OF POST-SECONDARY RECRUITMENT PROGRAM

Hon. Donald H. Oliver: Honourable senators, my questions are for the Leader of the Government in the Senate and they, too, relate to the Auditor General's report respecting the Post-Secondary Recruitment Program of the Public Service of Canada.

In one of the critical chapters of this report, as the Honourable Leader of the Government will know, the Auditor General castigates the federal government for failing to recruit qualified candidates to the public service. Given that 70 per cent of the government's executives are eligible for retirement in 2008, and it takes an average of 10 years of experience to move up the executive level, Canada is facing a major shortage of qualified public servants.

What message is the Leader of the Government in the Senate prepared to deliver to her cabinet colleagues and the President of the Public Service Commission to renew the ranks of the public service? Does the minister accept the Auditor General's observation that the government has failed in its efforts to attract our best and brightest to work in the federal bureaucracy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Oliver for his question. However, it was not the Auditor General who first brought this particular problem to the attention of the Canadian public. In fact, several years ago, the former head of the Privy Council Office clearly outlined to a Senate committee — I believe it was the Social Affairs, Science and Technology Committee, but it may well have been the National Finance Committee — the recruitment problems that existed and laid down a program as to how those problems were to be addressed. There is no question, therefore, like every other business and company throughout Canada, that recruitment of young, talented people is essential. We have a particular problem with the group in the middle years, those between the ages of 35 and 45 who will move into the more senior positions, but there is a strategy in place. I would be prepared to provide that strategy to the honourable senator.

Senator Oliver: Honourable senators, the Auditor General notes that the Post-Secondary Recruitment Program has not recruited post-secondary students to the federal government. Few departments participate in the program and students really only have one chance a year to be recruited, although the Public Service Employment Act includes some 20 departments and 60 agencies. Will the Leader of the Government in the Senate tell us why the federal government only turns to post-secondary recruitment once a year and why prospective students are not courted on a year-round, regular basis?

Senator Carstairs: The honourable senator has brought me information that I must say I did not have, which is that the recruitment policy is only acted upon once a year. I will make inquiries as to why, and whether there is an intention to broaden that search for potentially excellent candidates.

Senator Oliver: Honourable senators, while the minister is making that inquiry, perhaps she could also find out why the Public Service Commission states that in 1999-2000, there were almost 17,000 student applications for some 1,100 jobs, and the Auditor General points out that only 62 per cent of available jobs were filled in the previous year. What accounts for that disparity? Why did they not fill the jobs if they had all those applications?

Senator Carstairs: Honourable senators, I believe we would all not want the government to fill positions identified as unnecessary. However, if they are identified as necessary positions, then there is a legitimate question as to why they have not all been filled. I will attempt to retrieve that information for the honourable senator.

HEALTH

NEW BRUNSWICK—FUNDING OF ABORTION SERVICES

Hon. Lowell Murray: Honourable senators, yesterday the Leader of the Government and I had an exchange concerning funding of abortion services in the province of New Brunswick. The Leader of the Government kindly agreed to obtain a formal statement from her cabinet colleague, the Minister of Health, on this matter. My purpose in rising now is that I had the opportunity today to read Senator Carstairs' final comment to me yesterday, in which she suggests the following:

...that, perhaps, up to three of the principles...

— of the Canada Health Act —

...are being violated, namely, universality, accessibility and, in cases involving women in Prince Edward Island, portability.

I believe we all wish to know and need to know whether this is indeed the position of the federal government. I ask the assurance of the Leader of the Government in the Senate that she will refer not only my questions but her answers to Mr. Rock so that we may have clarity on this important issue.

Hon. Sharon Carstairs (Leader of the Government)

Honourable senators, I thank the Senator Murray for his question. Just so he knows that I am doing my best to facilitate information as quickly as possible, I have already posed the question to the Minister of Health and I have a response.

The Minister of Health does not agree entirely with me on the portability issue, but he totally agrees with me on the accessibility and universality issues. However, the information we received from Mr. Rock's department is that nothing formal has taken place. There has been no formal correspondence on this issue. There are discussions. It is hoped that a conciliatory form of behaviour is acceptable to both and that this can be resolved in a positive way.

• (1450)

Senator Murray: Honourable senators, I take it that a written reply will be tabled by the deputy leader today on that matter. In particular, I am interested in the view as reported by the Leader of the Government that New Brunswick is, indeed, violating the principles of universality and accessibility in respect to the regulation of abortions in that province.

Senator Carstairs: Honourable senators, there is no formal letter to me from the Minister of Health. There were conversations between my staff and the staff of the Department of Health, and that was the answer I received in reply to Senator Murray's question.

NATIONAL DEFENCE

PROPOSED OFFICE OF CRITICAL INFRASTRUCTURE PROTECTION AND EMERGENCY PREPAREDNESS—REQUEST FOR INFORMATION

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. I refer her to Senator Oliver's question regarding shortages in the civil service. Several years ago, the Standing Senate Committee on National Finance reported on the severe shortages that were about to happen in the civil service. At that time, I believe Jocelyne Bourgon, who was Clerk of the Privy Council, brought the severity of the issue to our attention.

I wish to refer to a press release from the PMO dated Monday, February 5, wherein the Prime Minister announced a new office of Critical Infrastructure Protection and Emergency Preparedness, which is to encompass the existing functions of Emergency Preparedness Canada. It is to be chaired by Margaret Purdy, who is currently Deputy Secretary to the Cabinet (Security and Intelligence), Privy Council Office.

What is the meaning of this new office? Is it a coordinating office? Is it a type of new bureaucracy? What is the real intent of this office? I happen to believe that Emergency Preparedness Canada is doing an excellent job, particularly with respect to the natural catastrophes that occur regularly. Perhaps the minister can find out for me just what this office will do.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, like the Honourable Senator Stratton, I read the press release. I must say that it did not tweak my curiosity as it obviously did the honourable senator's. As a result, I did not inquire as to the details of this new office and official representation. I will, however, make that inquiry and get back to the senator as quickly as possible.

Senator Stratton: Honourable senators, I appreciate very much the answer of the minister. Being a resident of Manitoba, she is well aware that the likelihood of a flood in Manitoba this spring is fairly high. Right now, a flood equivalent to 1950 levels with moderate to middle precipitation is being forecast. Honourable senators need not worry because we are now protected from such an occurrence being repeated.

My concern is how all of this will knit together. I ask the Leader of the Government to pursue this matter with a certain urgency. If another couple of Colorado lows happen to come into Manitoba in late March or early April, we could see a repeat of the problem we saw in 1997.

Senator Carstairs: I thank the honourable senator for his question. Although the Honourable Senator Duff Roblin and I may have had different political affiliations, I, like every other Manitoban, is grateful to Senator Roblin for Duff's Ditch. Without Duff's Ditch, the flooding in our province would be far greater.

The Honourable Senator Stratton raises a very interesting question. I had not heard of the forecasts of moderate to middle precipitation that might result in another flood equal to the 1950 flood, from which the honourable senator has agreed we are protected in the province of Manitoba. Clearly, we must know what this particular institution will do and how it will impact on such natural disasters.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like the bills to be called in the following order: resuming debate on Bill S-3, No. 1 on the Order Paper; second reading of Bill S-4, No. 3 on the Order Paper; and resuming debate on Bill S-5, No. 2 on the Order Paper.

[English]

MOTOR VEHICLE TRANSPORT ACT, 1987

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Cook,

for the second reading of Bill S-3, to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts.

Hon. Mira Spivak: Honourable senators, I welcome the opportunity to speak to Bill S-3. I thank my colleague Senator Poulin for her very explicated remarks yesterday.

The safety of our highways, which is the issue at the heart of this bill, has been one of my longstanding interests as a member of the Standing Senate Committee on Transport and Communications, the Subcommittee on Transportation Safety in which I have been a supporter of Senator Forrestall, and in this chamber on other related bills.

We on this side — and I believe I speak for this side — concur with the fact that the last decade has brought an enormous increase in the tonnage of freight carried on our highways and the distance it travels. Between 1991 and 1998, it increased on average 7 per cent per year. Meanwhile, in the same period, shipments to and from the United States saw a 15 per cent annual increase.

Free trade, just-in-time delivery and the booming North American economy are the major reasons that there are more trucks and buses on our roads. There are clearly economic benefits of all this new activity.

We also welcome the fact that the death toll on our highways has steadily declined, from almost 3,700 at the start of the last decade to less than 3,000 eight years later.

That is not the whole picture, honourable senators. While the absolute numbers are declining, the percentage of deaths in accidents involving large trucks has increased slightly. In 1998, it stood at 17.4 per cent. Overall, in the last decade, Canada's highway death rate from trucking accidents was higher than that of the United States, which indicates there is room for improvement.

Bill S-3 tells us that the government's national transportation policy for the safe operation of commercial vehicles will have a new key instrument and a key principle. The new instrument will be safety performance assessments of carriers by provinces based on the National Safety Code for Motor Carriers. A safety assessment and the resulting safety fitness certificate issued in Manitoba, Yukon or Quebec, for example, will be valid everywhere in Canada and, perhaps, affect the rules of carrier operation in the United States and Mexico.

We are told that the bill establishes a framework for consistent safety ratings. The prime principle will be consistency of standards throughout the country.

I respectfully suggest that this may be wishful thinking, unless a great deal of work has been done, or will be done, to alter the situation since last August. At that time, Mr. David Bradley, head of the Canadian Trucking Alliance, the industry's chief association, said:

The National Safety Code upon which the ratings system would be based, is neither national, nor is it a code. Indeed, not one of the 16 national safety code standards, agreed to by the provinces in 1988...has been uniformly adopted across the country.

As we heard yesterday, in 1987, federal, provincial and territorial governments signed a memorandum of understanding to implement the national code by 1990 to protect safety in the wake of the deregulation of commercial trucking. The minister was required under section 35 of the Motor Vehicle Transport Act to report to Parliament on the status of that implementation. There were five such reports.

The most recent status report, however, was in 1998. At that time, no province had implemented all of the 15 mandatory standards and 1 voluntary standard — standards ranging from driver testing, driver training, hours of work and vehicle maintenance, to roadside inspections and safety ratings. Only 2 of the 16 standards — the voluntary first-aid provisions and roadside inspections — were in place across the country. In Mr. Bradley's view, not even those were uniformly applied.

Bill S-3 eliminates the minister's obligation to report to Parliament on the status of the code. One has to wonder why. If the code standard 14 on safety ratings is to be the foundation of provincially administered safety assessments and those safety assessments are to be a key element of national policy, then why is the reporting requirement no longer important?

The Hon. the Speaker: Honourable Senator Spivak, I must interrupt at this point. I again wish to draw the attention of honourable senators to the provisions of rule 19(3) of the *Rules of the Senate of Canada*. If honourable senators wish to have conversations, they should do so outside the Bar. To do so here disturbs the proceedings in the chamber and interferes with the attention that honourable senators wish to give to a speech being made by our colleagues.

I am sorry to have interrupted you, Honourable Senator Spivak. Please continue.

Senator Spivak: Thank you, Your Honour. Of course, I want everyone to listen to every word that I am saying.

Both the status of the code's overall implementation and the elimination of its reporting are matters that deserve attention in committee.

On the proposed safety assessments, it has been suggested to this chamber that there has been a major effort to develop an umbrella standard based on real on-road safety performance. We are told that the new National Safety Code Standard 14 safety rating has been developed in consultation with industry and public interest groups.

I wish to refer to a news item of February 1, 2001, from the Ontario Trucking Association, headlined, "Safety Rating Systems Lack Consistency Across the Country." The item speaks of past efforts by the Canadian Trucking Alliance to point out the lack of consistency among current safety rating systems. It

suggests that there has been some minor movement on the part of governments.

Last August, the CTA cited a Transport Canada study that found that, after seven years of consultation on the issue, there was little consistency in the way the provinces and territories were approaching implementation of the code that would introduce safety ratings. Mr. Bradley said that it underscored a chronic weakness in the made-in-Canada approach to developing national standards through the Canadian Council of Motor Transport Administrators — the CCMTA. He described the situation as a source of enormous frustration for the trucking industry.

What has been the recent minor movement? The federal Deputy Minister of Transport agreed to discuss the matter with other deputies at a recent meeting of the CCMTA. The CCMTA agreed to give it high priority and has struck a committee to prepare a memorandum of understanding for all jurisdictions. This was where the governments stood early this month.

A 1987 memorandum of understanding on all the code standards has not brought consistency in the areas of hours of work, driver certification, driver testing or the many other safety-related standards. It is not unreasonable to suggest that this bill, which promises consistency based on another, still unsigned, memorandum of understanding, is, in fact, premature.

Unless the situation has changed radically, it would be reasonable to suggest that these amendments not proceed until there is some evidence of consistency.

Why is consistency important? It is important to carriers because the safety ratings are to be a matter of public record. Shippers and insurance companies will be encouraged to use them in choosing a carrier and setting insurance rates. Consistency is also important to the drivers, the majority of whom cross borders when making their runs. It is not difficult to imagine the added burden placed on drivers by inconsistent rules for load security, vehicle maintenance or hours of work.

That brings me to an ancillary matter — which is not an ancillary. While proposed changes to the hours-of-service standard are not part of this bill per se, the act that this bill is amending does set out provisions for changing the code on hours of service, the only remaining federally regulated matter.

Last fall, I was invited to speak to a conference in Toronto dealing with that key change under the code that eventually will translate into federal regulation. What is being proposed, quite simply — and I do not know how to label it because it is incredible and, perhaps, outrageous — would give Canada the least safety-minded regulations in the western world. Sleep-impaired drivers could be required to work a maximum of 84 to 96 hours a week, be denied two consecutive nights of rest and not be required to have onboard recorders — or black boxes — although a recent U.S. proposal would make them mandatory. In fact, the Canadian proposal would require Canadian drivers to drive 17 per cent more hours per shift and up to 60 per cent more hours in a week than U.S. drivers under a proposed reform of work hours in that country.

Speaker after speaker at that conference — fatigue experts, former truckers and an official of the Ontario branch of the CAA — spoke against the proposal. There is no evidence that their opposition has been heard. An Angus Reid poll found that 84 per cent of Canadians surveyed favoured a maximum 60-hour work week for truckers, and 78 per cent wanted the truckers to carry electronic recording devices to monitor their hours of work. There is still no movement on the part of Transport Canada.

It is more than curious that our regulation of the industry is consistently lagging behind countries elsewhere. The government has denied our federal accident investigators the mandate to examine and learn from major highway accidents — in the name of good federal-provincial relations — in spite of the fact that one of the government's own commissions recommended that change. The government has proposed hours of service on bus and truck drivers that are nothing short of punishing, and, while giving lip service to the need for consistent regulation across the country, it stands by while provinces fail to implement the national code.

As Mr. Bradley said last August, "The federal government has the constitutional authority to introduce federal regulations and standards, to show national leadership, but it does not appear prepared to wade in."

On a final point, we are told that the bill provides for, and Transport Canada is working towards, an agreement with the United States and Mexico to give safe motor carriers seamless regulatory treatment across North America. What will the seamless regulatory treatment bring us if the "safe" designation issued by the provinces is based on inconsistent treatment of records of collisions, traffic offences and violations of safety standards? There has been the suggestion that a "safe carrier" will be allowed to require their drivers to work beyond the punishing hours permitted in the hours-of-service proposal.

Yesterday, President Bush said he would reverse the Clinton administration's policy on Mexican trucks. Notwithstanding that 41 per cent of these trucks failed American inspections at the border, Mexican trucks will be allowed to haul goods throughout the United States. The announcement came hours before an arbitration panel ruled that the U.S. would be in violation of NAFTA if it did not begin considering applications from Mexican trucking companies. There are transboundary impacts with this bill and the committee should determine whether the course it sets out is a wise one.

This evening, honourable senators, the CBC is airing a program entitled *Dangerous Roads*. Let us hope that that title is not prophetic.

Honourable senators, there is work to do in committee. We look forward to examining Bill S-3 in more detail.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Transport and Communications, when and if this committee is established.

[Translation]

• (1510)

FEDERAL LAW-CIVIL LAW HARMONIZATION BILL

SECOND READING

Hon. Pierre De Bané moved that Bill S-4, to harmonize federal law with the civil law of the Province of Quebec and to amend certain acts in order to ensure that each language version takes into account the common law and the civil law, be read the second time.

He said: Honourable senators, I have the honour to speak to Bill S-4, the Federal Law-Civil Law Harmonization Bill, No. 1. I shall begin by briefly giving you the context underlying the proposal to harmonize federal law with the civil law of the Province of Quebec and to ensure that each language version takes into account the civil law and the common law. I will then examine the contents of the various parts of the bill. Finally, I shall speak about the benefits of this initiative.

[English]

First, in the legal and political context, the process that led to the introduction of Bill S-4 is rooted in the Policy on the Application of the Civil Code of Quebec to the Federal Government of 1993 and the Policy on Legislative Bijuralism of 1995, both developed and implemented by the Department of Justice.

Bill S-4 also forms part of a series of actions designed to implement the commitments made in the resolutions on the distinct character of Quebec society, adopted by both Houses of Parliament in December 1995 under the initiative of the Right Honourable Prime Minister Jean Chrétien. Those resolutions along with the Calgary Declaration recognized that Quebec is distinct because of, among other things, its civil law tradition.

[Translation]

The government made a commitment to harmonization on the eve of the coming into force the new *Code civil du Québec* on January 1, 1994. Because of the major changes to the notions, concepts and institutions of civil law resulting from this reform, changes to federal legislative texts — laws and regulations — relating to concepts of private law under provincial jurisdiction became necessary.

Harmonization is a way to bring into effect the Canadian reality of bijuralism by formally recognizing the coexistence of the traditions of common law and civil, which supplement and complement federal legislation.

To meet the challenge of harmonization, the Government of Canada established the Program for the Harmonization of Federal Legislation with the Civil Law of the Province of Quebec. The purpose of the program is to ensure that each language version of the federal acts and regulations takes into account the tradition of both civil and common law. The program is administered by the Civil Code Section of the Department of Justice.

[English]

I am sure that Senator Beaudoin, who is so familiar with the challenge that this project implies, will give us his own learned comments about this bill.

[Translation]

Of the some 700 public statutes, about 350 have been identified as using the Civil Code of the Province of Quebec supplementally.

[English]

Pilot studies were conducted to provide a concrete indication of the nature, variety and breadth of the problems caused by interaction between federal law and civil law. The areas requiring more meaningful reform were noted. It was also necessary to determine the most suitable methodology for undertaking this task.

[Translation]

After consultation with the representatives of the Quebec legal community, law practitioners and professors, it was decided to give priority to federal statutes that applied to assets, securities and public liability. In all, the aim was to harmonize some fifty federal statutes, in part or totally, in an initial bill, which was introduced in the Senate on May 11, 2000.

Honourable senators will recall Bill S-22, which is the predecessor of the present bill, and which died on the Order Paper when Parliament was dissolved last fall.

Bill S-4 is almost identical to Bill S-22, except with respect to eight technical adjustments intended essentially to reflect changes in legislation since May 2000.

[English]

Second, I turn to the substance of Bill S-4. Given that Bill S-4 is the first of a series of harmonization bills, it was found necessary to clearly state, in a preamble, the political and legal context of this initiative. The preamble clearly recognizes that all

Canadians are entitled to federal legislation that reflects both legal traditions. It also clearly states that the civil law tradition of the Province of Quebec reflects the unique character of Quebec. It is also forward-looking, in that it recognizes that the full development of our two legal traditions gives Canadians a window on the world and facilitates international exchanges.

[Translation]

Part I of the bill creates a new law, the Federal Law and Civil Law of the Province of Quebec Act, which repeals the provision of the *Civil Code of Lower Canada* enacted in 1866 that fell within the legislative competence of the Canadian Parliament subsequent to the division of powers in 1867. Among other things, these provisions address the Crown, the effects of trade bankruptcy, interest and marriage.

In order to avoid any legal uncertainty in the Province of Quebec as far as marriage is concerned, new provision governing the basic conditions are proposed in Bill S-4. These integrate perfectly with the *Code civil du Québec* and respect the values of contemporary society. Quebec not being a jurisdiction with a customary law like the common law jurisdictions, but rather with a written law, one of the replacement provision confirms that, for Quebec, marriage is an institution that is heterosexual in nature. This dovetails with the approach of the Modernization of Benefits and Obligations Act, former Bill C-23, which was enacted on June 29, 2000.

The other parts of Bill S-4 are intended to harmonize some fifty existing federal statutes.

[English]

Bill S-4 adds two provisions to the Interpretation Act. The first recognizes the reality of Canadian bijuralism in relation to property and civil rights and the fact that provincial law complements federal law.

The second sets out rules to facilitate the interpretation of federal statutes and regulations using common law and civil law terminology. These rules will also assist in understanding the techniques used to draft federal bijural legislation.

• (1520)

Bijuralism is a fact of life in Canada.

[Translation]

If I am not mistaken, Senator Beaudoin has taken part in international conventions at which the issue of bijuralism within a single country has been discussed.

[English]

Stating this principle expressly in legislation has an important symbolic value. The Interpretation Act was therefore the appropriate statute in which to state this principle.

[Translation]

Parts 3 to 6 of Bill S-4 amend three different acts, namely the Federal Real Property Act, the Bankruptcy and Insolvency Act and the Crown Liability and Proceedings Act. Forty-five other acts dealing with property, security and civil liability are also amended.

A review of the Federal Real Property Act showed that the English version of certain terms did not reflect Quebec's civil law system. Similarly, appropriate common law terms that were not included in the French version have been added.

[English]

For its part, the Bankruptcy and Insolvency Act posed a special challenge in the harmonization initiative, given the important changes with respect to the security regime in the Civil Code of Quebec. Many of the different security mechanisms were combined under the concept of "hypothèque," which may be taken, since 1994, on specific property or on a universality of property, movable or immovable, present or future.

Veteran civil law lawyers and notaries will recall that, prior to 1994, "hypothèque" could only encumber immovable property. These are some of the important changes that are reflected in the modifications proposed to the definition of "secured creditor" in the Bankruptcy Act.

[Translation]

The Crown Liability and Proceedings Act is a public right act dealing with the private right of the provinces in the area of civil liability. It is not a bijural act and it uses a civil terminology that is now obsolete. The act has been amended to reflect the changes made to the Quebec law. For example, the concepts of "delict" and "quasi-delict" have been replaced, in civil law, by the notion of "extracontractual civil liability."

[English]

Parts 7 to 9 are purely technical in nature and respectively deal with consequential amendments, coordinating amendments, transitional rules and the coming into force.

[Translation]

The amendments proposed in the bill reflect a desire to deal with Canada's four legal audiences: francophone and anglophone users of the civil law and anglophone and francophone users of the common law. Of course, when I refer to francophone users of the common law, I cannot forget our fellow citizens in New Brunswick, where, I believe, they have the world's only French-language common law faculty.

The drafting of bijural acts and regulations, which will thus be easier to understand for all Canadians, is an important element in the modernization and readability of federal legislation.

[English]

The beneficial effects of Bill S-4 and, by extension, the whole harmonization program will be felt at several levels. It goes without saying that the primary purpose of the process is to adapt federal acts and regulations dealing with or using concepts from private law to the new concepts, new institutions and new terminology of the Civil Code of Quebec.

The harmonization program is accordingly designed to ensure a better implementation of federal legislative policies in the province of Quebec and to prevent problems in the application of federal statutes and regulations that could arise from the coming into force of the new Civil Code of Quebec. The upshot will be a reduced risk of dispute and better access to justice for all persons residing in the province of Quebec.

This initiative will also have a beneficial, albeit indirect, impact on a national scale. As I noted earlier, the formal recognition of bijuralism in both official language versions of our statutes will enshrine legal terminology that is easily understood by the minority-language communities, namely the common law in French for francophones — this is why I spoke about my fellow citizens of New Brunswick — outside the province of Quebec and civil law in English for anglophones within the province of Quebec.

The presence in Canadian legislation of elements taken from each of the two systems will enrich federal law, since it will be possible to improve the law in Canada by comparing and including rules from both systems of law.

[Translation]

Harmonization will also benefit Canada internationally. The bijural nature of Canada requires respect for two great contemporary legal systems: the civil law and the common law. Globalization of markets and Canada's ever-growing openness to some very diversified countries continue to have an impact on Canadians. Bijuralism, honourable senators, gives us a better understanding of the laws of countries operating under one or the other of these systems, and such countries account for almost 80 per cent of the countries in the world. It gives Canada a leg up when developing and negotiating international rules embodying concepts from either of these systems and makes it easier to adapt to these rules.

[English]

Let us not forget that greater than 80 per cent of the countries in the world have one or the other of the two legal systems that we have in Canada. We have an advantage by so intimately practising the two systems that are implemented in over 80 per cent of the countries of the world.

[Translation]

In addition, other countries with a dual system will be able to follow Canada's lead, which has no equal or precedent. We are becoming a model for the entire world.

The harmonization program is therefore singularly important both for the legal community and for members of the Canadian public, as well as for the entire international community. Let us not forget that the bill introduced by the Prime Minister to recognize the unique character of Quebec is one of the reasons we introduced this bill.

Bijuralism is a unique characteristic of which Canada should be proud. In a spirit of respect for the harmony that should reign within our modern and bijural system of justice and with the hope that these objectives will be attained, I urge all senators to support Bill S-4.

• (1530)

Hon. Gérald-A. Beaudoin: Honourable senators, Bill S-4 revives the former Bill S-22, which died on the Order Paper as the result of the federal elections last year. Bill S-4 is identical to Bill S-22 in principle, as my colleague Senator De Bané has pointed out, and as I had already spoken at second reading on the same subject on May 18, 2000, I will keep to the broad lines of Bill S-4.

This bill aims to harmonize federal law and Quebec civil law. It is a first bill and will be followed, at an appropriate time, by other similar bills.

This bill has the happy task of giving expression to the principle and advantage of bijuralism in Canada. This initiative, which is bearing fruit today, is not new. Indeed, a program of joint drafting was instituted at the Department of Justice so that our legislative drafters could write the original texts of bills in English and French, without one being the translation of the other.

The reform of the Quebec civil code in 1994 had a significant effect on federal legislation such that, after establishing the Civil Code Section in 1993 and adopting the policy to apply the Quebec civil code to the federal public administration, the Department of Justice created, in 1997, the Program for the Harmonization of Federal Legislation with the Civil Law of the Province of Quebec.

Section 92(13) of the Constitution Act, 1867, gives provincial legislatures exclusive legislative jurisdiction over "property and civil rights." This section enabled Quebec to keep a system of private law based on the French system. This matter was of the highest importance to George Étienne Cartier, one of the Fathers of Confederation.

Section 94 of the Constitution Act, 1867, enables the Parliament of Canada under certain conditions to make provision for the uniformity of laws relating to property and "civil rights." This general rule does not apply to Quebec for obvious reasons. This is one of the rare instances in which, constitutionally, the status of Quebec differs from that of the other provinces.

The *Parsons* decision ([1881-1882] 7 A.C. 96) is important. The judicial committee of the Privy Council noted that the

expression "property and civil rights" in subsection 92(13) of the Constitution Act, 1867, had the same meaning as in section 94. I the central Parliament could legislate contractual matters in the province, section 94 would no longer offer any protection for Quebec. The Privy Council added that the expression "civil rights" in subsection 92(13) had as broad a scope as the expression "civil rights" used in the Quebec Act, 1774. Section VIII of the Quebec Act provided that His Majesty's Canadian subjects would enjoy their property, customs and other civil rights as in the past. In the Quebec Act, 1774, the words "property and civil rights" were used in their broadest meaning. There was no reason, according to the Privy Council, for these words to have a different and more restricted meaning in the Constitution Act, 1867.

Bill S-4 gives us an overview of the importance of bijuralism in Canada and of its benefits to us. In this era of globalization of markets and internationalization of individual rights and freedoms, our two legal traditions — the common law and the civil law — give us a leg up on the international scene. For let us not forget, as Senator De Bané has pointed out, that 80 per cent of the planet's population is governed by either the common law or the civil law.

Bill S-4 contains a preamble which acknowledges that the unique character of Quebec society is in part the result of its civil law tradition. This is an undeniable fact. Thus our actions are in keeping with the motion we passed on December 7, 1997, recognizing Quebec as a distinct society.

The preamble to Bill S-4 also states the main objectives of the legislation: harmonious interaction of federal and provincial legislation; respect of the traditions of common law and civil law; full development of our two major legal traditions which gives Canadians a window on the world; easier access to federal legislation that takes into account the common law and civil law traditions, in both its English and French versions.

It needs to be pointed out that such a bill was not drafted in a vacuum. Law professors, the Barreau du Québec, the Chambre des Notaires du Québec, and the Ministère de la Justice du Québec all collaborated in Bill S-4. In this connection, I would particularly recommend the reading of a masterly 1,062-page work entitled "The harmonization of federal legislation with Quebec civil law and Canadian bijuralism: collection of studies," published by the Department of Justice in 1997.

The key aspects of Bill S-4 concern amendments to the Interpretation Act in order to insert provisions aimed at acknowledging the coexistence of the two Canadian legal traditions and confirming the necessity of recourse to provincial legislation when enforcing federal legislation involving aspects of private law; the repeal of pre-Confederation provisions of the Civil Code of Lower Canada that address matters that have fallen within federal jurisdiction since 1867; the replacement of pre-Confederation provisions of the Civil Code of Lower Canada in connection with marriage.

Essentially, the rest of the bill is of a technical nature.

It amends 48 federal acts in order to harmonize definitions, expressions and other words, with a view to ensuring that federal law reflects both civil and common law. The legislation amended by Bill S-4 addresses property law, civil liability and securities.

I am, of course, very much in favour of Bill S-4, but with the obvious condition of a more detailed examination of it in committee.

• (1540)

Hon. Serge Joyal: Honourable senators, I would echo the words of my colleagues the honourable senators De Bané and Beaudoin, who spoke this afternoon in support of Bill S-4.

I support the aims of the bill absolutely. It strikes me, however, that with respect to certain provisions, particularly those pertaining to the definition of marriage, we ought to recognize that the definition is currently the focus of debate in both the common law and civil law systems. My honourable colleagues know that, in a number of provinces, this matter is the subject of legal debate and that, sooner or later, this Parliament will have occasion to reopen the debate.

However, I must remind you, honourable senators, that during the debate on the passage of Bill C-23, I had occasion to express my perceptions and convictions on how marriage should be defined in a contemporary context and, accordingly, to revive a definition such as is found at clause 5 of the bill does not appear useful at this stage.

If the courts, the highest tribunals in the land, were to confirm the definition in clause 5, it might be appropriate to reconfirm the nature of the definition in that clause. However, since this matter is currently subject to two legal systems, both civil and common law, I believe it would be appropriate to await a later stage of harmonization, as Senators De Bané and Beaudoin have said so well, in order to proceed further with this provision of the bill.

This, however, is not the thrust of my remarks. When the bill was considered in committee on June 13, with Senator Milne in the Chair, I had the opportunity to express to the Minister of Justice of Canada, who was appearing at the hearing, my concerns about the preamble to the bill. There are two points in it I think must be drawn to your attention.

First, the fundamental issue this bill attempts to cover is recognizing the unique fact that we have a bijural system in Canada. If this bill is to recognize one particular element in the first point of the preamble, it is the fact that Canada has two legal systems that are autonomous but mutually influential in federal legislation. This is the singularly distinctive and unique nature of Canada.

The term "society," in the second WHEREAS, leads to a political debate. The term "society" is a trap because, just recently, Quebec's premier designate, Bernard Landry, said that Quebec was not a distinct society but a nation. As such, all nations are entitled to their state and Quebec is no exception.

A few days earlier, the Quebec Liberal Party released its new constitutional platform. How do you think they defined Quebec

under that constitutional platform? As a distinct national community within Canada. There is only a fine line between being an independent nation and a national community.

Honourable senators, the expression "distinct society" is a political concept that emerged in the eighties following the endless constitutional debates that had taken place. To resuscitate a political concept in the WHEREAS of a bill whose only objective is to define legal principles does not strike me as being a good idea. Which is not to say that we should not recognize the place made for Quebec under section 92(14). As my colleagues pointed out earlier, when it joined the Canadian federation, Quebec had already codified its civil law. Sir George Étienne Cartier was associated with that effort. That reality, which dates back to 1774, survived all the constitutional systems that we have had in Canada, whether in 1791 or even in 1841, with the Union Act.

So there is, as is pointed out in the bill's preamble, a Canadian tradition. I insist on the fact that this is a Canadian tradition, not a tradition making Quebec an entity separate from Canada from a legal standpoint. I reject the insinuation in that WHEREAS that, from a legal point of view, Quebec is separate from Canada. This is the subliminal message that we get from the expression "distinct society." If Quebec is a distinct society, then it is a people which has a right to self-determination, and if it has a right to self-determination, then it has a right to separate from Canada. We are all aware of the confusion that the use of these words generates in our political debates.

On June 13, when the Attorney General of Canada appeared before the Standing Senate Committee on Legal and Constitutional Affairs, I drew the minister's attention to this element, which to my mind is dubious.

The minister emphasized that she was open to discussions and to improvements to the bill that acknowledge the historic reality of a centuries-long legal tradition of civil law in Canada but in a Canadian context. The conflict in the bill's second WHEREAS lies in not recognizing the country's unity legally. Since the Canadian government is taking the initiative of harmonizing both traditions in the wording of its own legislation, that is, in my opinion, the unique factor that needs to be recognized in a federal legislative enactment. That is the point, honourable senators.

This is the first time that we have recognized this concept of distinct society in a federal enactment. The text to which Senators De Bané and Beaudoin referred is a constitutional resolution. It is not a legislative enactment. It is a resolution, an expression, an observation that was made, at a point in time, but it is not a legislative enactment. This text, which was approved in an earlier Parliament, cannot be used to support a legal interpretation. However, the enactment before us will do so for the first time and I am of the view that, before definitively enshrining a political concept which has been the downfall of all the constitutional debates for the past 20 years, this matter should be considered in greater detail by the Standing Committee on Legal and Constitutional Affairs, which will certainly be chaired by one of our colleagues who has already distinguished himself in the past for his ability to conduct these discussions effectively and fairly.

I will therefore, honourable senators, take part in these debates with much interest. I hope that those of my colleagues who took part in the debates on this issue in this chamber when Prime Minister Trudeau appeared here, in March 1988, will reread the debates and discussions we had on this notion. It would be too easy to shut our eyes and pass this bill, although I am entirely in favour of the move to harmonize federal legislation with the two legal traditions that have been part of our country from its earliest days.

[English]

• (1550)

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator De Bané, seconded by the Honourable Senator Watt, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs, if and when the committee is established.

BLUE WATER BRIDGE AUTHORITY ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the second reading of Bill S-5, to amend the Blue Water Bridge Authority Act.

Hon. James F. Kelleher: Honourable senators, I rise today to speak on second reading of Bill S-5, proposed legislation to amend the Blue Water Bridge Authority. I can speak on bridge authorities with some authority since I served for a number of years on the Sault Ste. Marie Bridge Authority, which just paid off all of its indebtedness.

As we understand it, these amendments will serve to allow the Blue Water Bridge Authority to borrow funds that they believe are necessary to expand their facilities and provide for a safer and smoother flow of bridge traffic. These seem like admirable goals, given that this bridge is the second busiest Canada-U.S. gateway in terms of trucking traffic, as well as being the second largest Canada-U.S. gateway for our exports.

I should also note that we were pleased to hear from the government side the other day that the Government of Canada will not, as a result of these amendments, assume any liability for past or future debts incurred by the authority.

However, we shall want to examine this bill in more detail in committee. In particular, we shall want to ensure that the net borrowing limit is indeed a necessary amount and that the authority has a sound financial plan in place to repay the additional debt they wish to incur.

Honourable senators, we look forward to your support of this bill and look forward to seeing this bill in committee.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill referred to Standing Senate Committee on Transport and Communications, if and when the committee is established.

[Translation]

BROADCASTING ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Finestone, P.C., seconded by the Honourable Senator Hervieux-Payette, for the second reading of Bill S-7, to amend the Broadcasting Act.

Hon. Jean-Robert Gauthier: Honourable senators, the purpose of Bill S-7 is to amend the Broadcasting Act. I would like to begin my remarks by congratulating the Honourable Senator Sheila Finestone, the sponsor of this bill, and thanking Senator Kinsella for his highly positive and constructive work during yesterday's debate.

In short, Bill S-7 amends the Broadcasting Act in order to enable the Canadian Radio-television and Telecommunications Commission to make regulations establishing criteria for the awarding of costs, and to give the Commission the power to award and tax costs between the parties that appear before it.

At the present time, the CRTC has the power to award costs to organizations or individuals who appear before it on matters relating to the Telecommunications Act, but not on the Broadcasting Act.

The present legislation authorizes the CRTC to set criteria for reimbursing costs and for determining to whom and by whom costs will be reimbursed. The Broadcasting Act, however, does not allow such a procedure. As for the CRTC, it does not have the power at this time to award costs or to determine the criteria for awarding them.

This creates serious problems for consumers and the situation must be corrected. This amendment to the Broadcasting Act therefore gives it the same right to award costs as presently exists in the Telecommunications Act, thus making them compatible with each other, so that actions brought by consumers under one or the other of these laws receive equal treatment.

This amendment is highly advantageous for Canadians. Awarding costs will enable consumers and public interest advocacy groups as well as individuals to carry out the necessary research and to gather the substantive evidence they require in order to defend the public interest in connection with broadcasting, cable television and regulatory matters.

As I have said, the CRTC is able to award costs only under the Telecommunications Act, not the Broadcasting Act, even if the information provided under each of these acts has proven pertinent and has added value.

The funds available to the media organizations are in sharp contrast to the limited funds available to consumers and consumer groups. This creates imbalances and injustices incompatible with our democratic system. The limited funding available to consumer defence organizations often prevents them from defending the public's rights effectively and substantively, since research and detailed studies are very costly, and it is also very expensive to enlist the assistance of experts.

[English]

At this time the CRTC does not have the authority under the Broadcasting Act to retain experts with technical or special knowledge, and, accordingly, the commission is unable to undertake its own research. For that reason, it must be, of necessity, heavily reliant on submissions by knowledgeable third-party intervenors.

As a supporter of Bill S-7, I would argue that in a field as technically specialized as broadcasting, which has so profound an impact on all Canadians, sound policy requires that the commission have the most complete and accurate information available. The approach set out in Bill S-7 would appear to present a reasonable way of ensuring that the commission is given the resources to inform itself, despite the absence of statutory authority to engage technical advisors on a project-specific basis.

• (1600)

Why does the commission not have the same authority under the Broadcasting Act as it has under the Telecommunications Act? The reason for this probably lies in the different principles

under which the two systems were established and under which they continue to operate. When the current legislative scheme was established, as we all know, the telecommunications industry was dominated by a few major players with very "deep pockets." Hearings before the commission on telecommunications involved only a few parties, and fewer intervenors, such as consumer groups with broad mandates. When the commission was of the view that the intervenors had been of particular assistance, it could compensate them for their costs. The system worked well in situations where there were few intervenors. That is not always the case with the Broadcasting Act under which, routinely, hundreds, if not thousands, of interventions are attracted, most as form letters merely signed by individuals.

This difference gives rise to at least two problems with assessing costs. Of those thousands of interventions, how does the commission decide which ones merit being compensated? What if 20 or 30 interventions say essentially the same thing but are uniformly excellent and costly to produce? Can all be compensated? If so, are all uniformly excellent and costly to produce? Not necessarily so. Can a few be compensated and not others? That is a decision for the commission to make. It has the power to do that under the Telecommunications Act now. We are trying to make it so that the commission has that same power under the Broadcasting Act.

Honourable senators, I believe the purpose of this bill is to encourage high-quality interventions and to encourage interested parties to spend the money necessary to produce good information that will assist the commission.

The following questions should be addressed. Will Bill S-7 result in more high-quality interventions? I do not know, but I sure hope so. I had a personal experience on that basis last year. It is very costly to go before the CRTC. I tell honourable senators that Bill S-7 may help us as consumers present our case.

I wish to raise two points about Bill S-7. Numbering the proposed amendment clause 9.1 places it among the commission's "general powers." Since the proposed power is to grant the commission the authority to grant costs specifically in the context of the hearing, the clause would be better placed, in my opinion, near those that set out the powers of the commission having to do specifically with the commission's power over hearings.

Second, Bill S-7 gives the right to the commission to grant costs, but not to panels established by the commission. Under the Telecommunications Act, panels are not established. Under the Broadcasting Act, they are. Why not extend the same right to those panels that we do to the commission? I think it would make sense. It probably was overlooked in the drafting of the bill since the commission does not appoint panels under the Telecommunications Act. This substantive omission should be addressed in committee, otherwise there will exist an incongruity in the amended Broadcasting Act — that is, the panel may exercise all the powers and may perform all the duties of the commission. That is what the bill says. Let us be consistent. Let us give them the power to do that, but also include the panels.

[Translation]

Honourable senators, this amendment to Bill S-7 is necessary. It strikes, in my opinion, a balance between the two laws. Consumers will thus be treated equally and fairly as the result of proceedings brought before the commission, whether it is under the Broadcasting Act or the Telecommunications Act.

Consumer involvement is limited at the moment. Although consumers and consumer advocacy groups are able to present short briefs setting out general principles and their expectations, they cannot do extensive research and gather large numbers of witnesses. Their meagre efforts are obliterated by the evidence presented by the industry.

Coming back to my personal experience, an individual with his or her own means cannot stand up to big companies such as Cogeco, Vidéotron or other companies with substantial financial resources. It is impossible for individuals or groups to take on these companies. With this amendment, the commission may adjudicate or award costs to groups of consumers or individuals demonstrating to the commission the merit of their comments and their research.

In closing, honourable senators, I would simply like to say that Bill S-7 re-establishes a degree of fairness and accords the testimony the CRTC hears before taking its decision its rightful value. I support this bill with pleasure.

Hon. Pierre Claude Nolin: Honourable senators, may I put a question or two to Senator Gauthier?

Senator Gauthier: Yes.

Senator Nolin: In clause 1(2) of the bill, it says that the commission may establish a scale for the taxation of costs — perhaps I should have directed my question to Senator Finestone yesterday — do you want to allow the CRTC to establish a schedule of costs?

Senator Gauthier: Currently, under the Broadcasting Act, the CRTC cannot award costs. Under the Telecommunications Act, a panel or tribunal appointed by the commission may, based on its established criteria, refund or repay the costs relating to testimony or a submission. I personally think it is justified to compensate a witness for his costs, given the existing competition. I cannot understand why they forgot to include in the Broadcasting Act the same right as the one found in the Telecommunications Act. It is difficult to explain how this will work. If the conditions under the Telecommunications Act and those under the Broadcasting Act are merged, there will not be any problem. There will be strict but reasonable criteria. If witnesses or applicants meet the required criteria, their costs will be refunded. There may be problems, but I do not anticipate any.

• (1610)

Senator Nolin: We can consider this in committee. My question is very specific. I do not have any problem with the fact

that we repay the costs incurred by individuals who appear to testify before a quasi-judicial tribunal. However, I notice that, in clause 9.1(2), the term “barème,” or scale, is used, instead of the word “tarif,” or rate. Is this to allow the commission to determine the amount of the costs that it would be prepared to pay back? I suppose it would be more appropriate to ask my question in committee.

Senator Gauthier: It is a matter of judgment and I do not know what the commission will decide in terms of the criteria. If I were there, I think the commission should use the quality of the testimony heard and try to be as reasonable as possible with the awarding of costs.

I cannot answer for the commission, since I do not know which criteria it will set. What Senator Nolin is proposing should be seriously considered in committee, so that a solution can be found.

[English]

Hon. George J. Furey (The Hon. the Acting Speaker): Is your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kinsella, bill referred to Standing Senate Committee on Transport and Communications, if and when the committee is established.

[Translation]

BILL TO MAINTAIN THE PRINCIPLES RELATING TO THE ROLE OF THE SENATE AS ESTABLISHED BY THE CONSTITUTION OF CANADA

SECOND READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Corbin, for the second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.—(*Honourable Senator Beaudoin*).

Hon. Gérald-A. Beaudoin: Honourable senators, I should like to say a few words about Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.

According to the Constitution of Canada, the Parliament of Canada is composed of three elements: the Crown, the Senate and the House of Commons. A number of the clauses in our founding legislation of 1867 set out the role and powers of the Senate. It is clearly evident from these articles of the Constitution that the Senate is first and foremost a legislative chamber.

Bicameralism is part and parcel of the Canadian Constitution. Such was the intention of the Fathers of Confederation. The Confederation debates indicate that clearly. In other words, for legislation to be passed, the process set out in the Constitution must be followed. I am therefore in agreement with the principle of Bill S-8 introduced by Senator Joyal. Exclusion of the Senate must stop. On the contrary, it must be included more than it is.

We had some very important debates, debates that took a hard look at the role of the Senate, last May and June, in connection with the clarity bill. The debates in the special committee were also highly instructive.

The Senate and the House of Commons, as we know, have the same powers in all but three areas. First, money bills must originate in the House of Commons; second, a vote of confidence may only be held in the House of Commons, not in the Senate; and, third, for certain constitutional amendments, the Senate has a six-month suspensive veto. In every other respect, both chambers are on an equal footing.

In a bicameral system enshrined in the Constitution, both chambers must therefore be treated equally. Bill S-8 goes in this direction and helps to restore the equality of both chambers.

Therefore, I agree in principle with this bill. The Senate is in a position to devote greater attention and sometimes greater expertise to legislative matters.

In addition, the Senate has distinguished itself on a number of occasions in special committees on some very difficult issues: the Constitution, poverty, euthanasia, assisted suicide, and so forth.

Most federations have a second chamber, a chamber of sober second thought which, let us not forget, is a legislative chamber.

The preamble to Bill S-8 is highly evocative. It quite rightly points out that the Senate constitutes an essential element of the constitutional settlement. However, many federal laws deny the Senate an equal role and prevent it from exercising its duties because they fail to include it.

This state of affairs must be changed. That is what Bill S-8 will do. I give my support to this bill.

On motion of Senator Grafstein, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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• VOLUME 139

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OFFICIAL REPORT
(HANSARD)

Thursday, February 8, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Thursday, February, 8, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE LATE CAROL ANNE LETHEREN

TRIBUTE

Hon. Joyce Fairbairn: Honourable senators, yesterday, more than 1,000 friends and supporters gathered in Toronto at an inspiring farewell celebration for Carol Anne Letheren, one of Canada's most compelling activists and advocates for amateur sports and Olympic excellence, who died suddenly following a massive aneurysm last week. Tributes flowed from the likes of Olympians Toller Cranston and Charmain Crooks, the soaring voice of Michael Burgess and, in the end, an emotional declaration from a very close friend, Rubin "Hurricane" Carter.

Carol Anne loved running and her whole life was a marathon of participation and guidance for young people in amateur sport — a force that she believed had a fundamental role in galvanizing communities and unifying nations. Canadians and the world got to know her face and her voice in 1988, when, as Chef de Mission for the Canadian team at the Seoul Olympics, she had the sad responsibility of taking back the gold medal from this country's champion sprinter Ben Johnson after he tested positive for the use of a banned substance.

Friends and Canadians on the ground and in the world of amateur sports have a much longer memory of the passion and dedication Carol Anne held for what was truly the cause of her life. As a tiny girl, she would practise gymnastics by bouncing from cushion to cushion on her living room floor, and she trained hard to become a champion badminton player and, always, she was running.

In Seoul, and before Seoul, she became a true pioneer for the participation of women in the world of organized sports. In Seoul, she was the first Canadian Chef de Mission. She then became the first President of the Canadian Olympic Association and then the first CEO of the Canadian Olympic Association. She was one of 14 women who managed to get beyond the male bastion of the International Olympic Association, which consists of a panel of 131 persons.

At the celebration yesterday, Carol Anne was paid tribute by the Vice-President of the International Olympic Committee, Mr. Richard Pound, who presented the Olympic Order, the highest award that organization has to offer, to her husband and

her son to honour Carol Anne posthumously. Mr. Pound observed in passing that with Carol Anne leaving us, God has recruited her for the first team to organize the celestial Olympics.

With all the titles and honours, Carol Anne's fundamental concern and love was for children and her family, who always came first. Carol Anne was generous, kind, smart and tough. She was very tough. In the end, she continued to give back as much as she could of a remarkable life.

Honourable senators, at the end of the program yesterday, it was announced that Carol Anne's organ donations had, since last Friday, helped to sustain eight lives, including a liver transplant that was given to a young girl only yesterday. This was a very special Canadian who will be truly missed and always remembered not only by her friends and colleagues but also in the world of amateur sport and the Olympic movement throughout the world.

RACIAL DISCRIMINATION IN CORPORATE NORTH AMERICA

Hon. Donald H. Oliver: Honourable senators, Coca-Cola is the world's largest soft drink maker, and it just settled the largest racial discrimination lawsuit in history. Coca-Cola employs 31,000 people worldwide and carries on business in 200 countries.

The company agreed to pay U.S. \$192 million in response to a racial discrimination case brought by a number of current and former Afro-American employees. This is not an isolated incident. Three years ago, Texaco paid \$176 million for similar allegations of racism against blacks, and late last fall charges were laid against Microsoft Corporation for racial and sexual discrimination.

• (1410)

Honourable senators, I bring this matter to your attention not because incidents of racial discrimination against blacks in North America are on the increase. The American lawsuits and settlements prove that pervasive discriminatory practices are instilled in the culture of corporate North America, and I believe that they represent only the tip of the iceberg.

The main elements of the lawsuits were discrimination in evaluations, discrimination in compensation, and the glass ceiling and glass walls effect. The performance evaluation system was implemented by managers exercising unchecked authority to make biased and inconsistent determinations with little or no oversight. The system at Coca-Cola permitted discrimination on the basis of race in evaluations where raises, bonuses and stock options were based upon evaluation scores.

A review of salaries paid by Coca-Cola to African-Americans compared with salaries paid to Caucasian employees reveals dramatic differences in pay in Coca-Cola's corporate headquarters in Atlanta. For example, in 1998, an African-American doing the same job as a white or Caucasian male received \$45,000. The Caucasian doing the same job made \$72,000. As well, they were successful in explaining the glass ceiling effect in that few African-Americans advanced to senior levels in the company, especially when compared to the significant representation of African-Americans among salaried employees. I will elaborate on the statistical data in my inquiry next week.

The company's written and unwritten policies and practices allow supervisors to essentially hand-pick candidates for available positions through word of mouth and make promotion decisions on the basis of subjective criteria. This system prevents qualified African-Americans from competing equally for positions or even knowing that they are available.

In conclusion, honourable senators, I believe these events are small examples of what is at work in corporate North America. Enforced inequities, such as discrimination in pay and benefits and the lack of promotion, could be more widespread than we realize. Any day now, anyone of us can pick up *The Globe and Mail* and read on the front page that one of our largest Canadian corporations could likewise be sued for \$200 million or more as a result of similar policies.

Honourable senators, we should encourage Canadians to embrace diversities at all levels in both the public sector and the private sector —

The Hon. the Speaker: Senator Oliver, I am sorry, but the time allotted for your statement has expired.

EAST COAST MUSIC AWARDS

Hon. Catherine S. Callbeck: Honourable senators, I rise today to inform you about an exciting event being held in my home province this coming weekend. The East Coast Music Awards is an annual celebration of the musical culture of the Atlantic provinces. One of Canada's largest musical events, the ECMA started 13 years ago as a small gathering in Halifax. However, in 1994, as the music industry in Atlantic Canada was coming into its own, a decision was made to begin moving the event to different locations each year.

Honourable senators, I am proud of the fact that the 1996 East Coast Music Awards in Charlottetown effectively doubled the size of the event from any that had been held previously. It is expected that this weekend's celebration — the first in Charlottetown in five years — will again be twice as large as it was in 1996. This tremendous growth is remarkable. I suggest that it should be expected when one considers the ever-increasing international appetite for East Coast music.

The names are legendary: Stompin' Tom Connors, Anne Murray, Hank Snow, Gene MacLellan, Rita MacNeil. Of course, there is the new breed, including Great Big Sea, The Rankins, Julian Austin and Lennie Gallant.

The culture of East Coast music is unique and ingrained in every Atlantic Canadian. Music has always been an important part of our region. The sounds of fiddles and guitars can still be heard in many communities on any given weekend.

Honourable senators, I am particularly pleased that the people behind the ECMA go to great lengths to celebrate our musical heritage. Every year this organization attempts to celebrate those who laid the groundwork — something that I believe goes a long way to ensuring a strong future by remembering the past.

The three-day event begins tomorrow and culminates on Sunday with a nationally televised awards program. I urge all honourable senators to watch the program or, better yet, come visit us in Prince Edward Island this weekend. I am sure you will remember the experience.

[Translation]

THE LATE FULGENCE CHARPENTIER

TRIBUTE

Hon. Marie-P. Poulin: Honourable senators, the family and the many friends of Fulgence Charpentier will be meeting to celebrate the life of this extraordinary French Canadian, who passed away this week at the age of 103.

We will speak of the many personal and professional contributions he made. Whether it was as father, grandfather or great-grandfather or as journalist, diplomat, man of letters or senior official, Fulgence Charpentier was known for his kindness and openmindedness, his generosity, discernment and search for excellence.

As Senators Gauthier and Beaudoin so aptly put it yesterday, he devoted his life and his career to spreading the influence of Canada and of the French Canadian culture. Despite all of his successes, honourable senators, Fulgence Charpentier remained a good man. His friends and colleagues agree. He earned the most honourable of titles, "Monsieur."

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE PRESENTED AND ADOPTED

Hon. Léonce Mercier, Chairman of the Committee of Selection, presented the following report:

Thursday, February 8, 2001

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

STANDING COMMITTEE ON PRIVILEGES, STANDING RULES AND ORDERS

The Honourable Senators Andreychuk, Austin, Bryden, DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, Murray, Poulin, Rossiter and Stratton.

STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Austin, Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier, Kenny, Kroft, Maheu, Milne, Murray, Poulin and Stollery.

STANDING COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Austin, Bolduc, Carney, Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, Poulin and Stollery.

STANDING COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Banks, Bolduc, Cools, Doody, Ferretti Barth, Finnerty, Hervieux-Payette, Kinsella, Kirby, Mahovich, Murray and Stratton.

STANDING COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Angus, Bacon, Callbeck, Christensen, Eyton, Finestone, Fitzpatrick, Forrestall, Rompkey, Setlakwe and Spivak.

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Atkins, Beaudoin, Buchanan, Cools, Fraser, Grafstein, Joyal, Milne, Moore, Nolin and Pearson.

STANDING COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Furey, Hervieux-Payette, Kelleher, Kolber, Kroft, Meighen, Oliver, Poulin, Setlakwe, Tkachuk and Wiebe.

STANDING COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, Cohen, Cook, Corbett, Graham, Fairbairn, Johnson, Kirby, LeBreton, Pélissier, Robertson and Roche.

STANDING COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton, Milne, Oliver, Stratton, Taylor, Tkachuk and Wiebe.

STANDING COMMITTEE ON FISHERIES

The Honourable Senators Adams, Callbeck, Carney, Chalifoux, Comeau, Cook, Mahovich, Meighen, Molgat, Moore, Robertson and Watt.

STANDING COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Buchanan, Banks, Christensen, Cochrane, Eyton, Finnerty, Kelleher, Kenny, Sibbeston, Spivak, Taylor and Watt.

STANDING COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Carney, Chalifoux, Christensen, Cochrane, Cordy, Gill, Johnson, Pearson, Rompkey, Sibbeston, Tkachuk and Wilson.

Pursuant to rule 87, the Honourable Senators Carstairs, P.C. (or Robichaud, P.C.) and the Honourable Senator Lynch-Staunton (or Kinsella) are members *ex officio* of each committee.

Respectfully submitted,

LÉONCE MERCIER,
Chairman

The Hon. the Speaker: Honourable senators, when shall the report be taken into consideration?

Senator Mercier: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

[English]

• (1420)

The Hon. the Speaker: Honourable senators, is leave granted to waive the rule and to place this matter on the Orders of the Day for consideration later this day?

Hon. Senators: Agreed.

Hon. Gerry St. Germain: I should like an indication of what time this matter will be dealt with. Some independent senators have been named as members of committees. Will there be an opportunity to debate these lists of committee members and to pose questions about how the lists were formulated?

The Hon. the Speaker: Honourable senators, this is a debatable matter. If leave is granted to place the matter on the Orders of the Day for consideration later this day, it would fall under Reports of Committees on the Order Paper. If leave is being requested for the matter to be taken into consideration now, and if that leave is granted, we would revert to the matter now. As it is a debatable motion, senators would be entitled to speak if it is taken into consideration now.

I hope that answers the question of Senator St. Germain.

Hon. Sharon Carstairs (Leader of the Government): If all honourable senators are in agreement, we would be prepared to debate this motion now.

The Hon. the Speaker: Is leave granted, honourable senators, to proceed to this matter now?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Senator St. Germain: Honourable senators, I wish to thank the Leader of the Government in the Senate for having provided me with a list of proposed committee members earlier today and for notifying me that this committee report would be on the Order Paper today.

I should like to know how it was determined that independent senators would be members of committees. It has been brought to my attention that a particular senator asked to be a member of a particular committee. There obviously must be some process for choosing members of committees. It is felt that the denial of that honourable senator to be on a particular committee is a matter of more than merely numbers.

Are independents allowed to become members of committees only if there are spaces that no one else wants? Are independent senators treated as fairly as other senators in this place? There is no point in hedging on this. Senator Prud'homme wanted to be a member of the Foreign Affairs Committee and his request has been denied. We all know that some committee memberships are more sought after than others.

I should like an explanation of the process as well as details regarding the amount of fairness that is exercised in allowing senators to acquire membership on the committees that they request.

Senator Carstairs: I thank the honourable senator for his question. Since I was the one who contacted each independent senator, including the senator who sits as an Alliance senator in this chamber, I think it appropriate that I answer this question.

As many honourable senators know, I have long been in favour of the placement of independent senators on committees. In fact, when I was the Deputy Leader in this place, during which time I sat on the Rules Committee, I brought forward a proposal, along with my colleague Senator Kenny, for a means by which we could provide for independent senators to sit on that committee. That report came forward to this chamber but was not dealt with because Parliament was prorogued.

We found ourselves in a somewhat different situation this year. The numbers were different when Parliament reconvened. I welcomed the opportunity to work with my colleagues on the other side to see whether there was a means by which we could place independent senators on committees.

As a result, I contacted each independent senator, and subjected each to exactly the same criteria to which I subjected government and opposition senators. Each senator was asked to present a list of his or her top three choices of committees to sit on. Phone calls were made to senators in order of their seniority in this chamber.

Senators Pitfield and Lawson chose to apply for none. When I contacted Senator Prud'homme, who was in Saudi Arabia, he gave me the following list: Foreign Affairs, Foreign Affairs, Foreign Affairs.

When I contacted Senator Roche, he provided me with a choice of committees, of which Foreign Affairs was one. I had the same conversation with Senator Wilson.

When we began selecting members of committee, I saw that 19 Liberal senators had applied to be on the Foreign Affairs committee, with 11 of them ranking it as first choice. It is clear that I had to disappoint members on this side of the chamber, and, regrettably, I had to disappoint Senator Prud'homme. However, I can assure the chamber that had Senator Prud'homme made a second or a third choice that was different from his first choice, every attempt would have been made to place him on his second- or third-choice committee.

• (1430)

The Hon. the Speaker: To be clear on the matter, I will recognize Senator St. Germain, who, I assume, will ask a question of the last speaker.

Senator St. Germain: Honourable senators, first, I would like to compliment the Leader of the Government for recognizing the fact that independent senators will, in all instances, contribute greatly to the committee process in this particular establishment. We have had some great people in the past, such as Senator Molson and Senator Everett, and today we have the expertise of Senator Lawson and others. While I compliment the government side for taking this action, I would hate to think that it was done strictly because of the reduced numbers on the Progressive Conservative side. I hope it was done in the spirit of bringing forward and utilizing this talent, rather than because of the numbers in this place.

Senator Spivak: What talent?

Senator St. Germain: Senator Spivak says, "What talent?" I cannot speak for Senator Spivak. I have always had a great respect for the honourable senator, so I will not pursue that question.

Senator Kinsella: Question.

Senator St. Germain: The Leader of the Government still has not explained the situation to me. Eleven Liberals wanted to sit on the Foreign Affairs Committee, and Senator Prud'homme had selected as his three committee choices Foreign Affairs, Foreign Affairs and Foreign Affairs. The Leader of the Government has still not told me how she made the eventual selection, denying Senator Prud'homme the position.

Honourable senators, if the situation were in regard to Senator Roche or Senator Lawson, I would be asking the same question. It is not a question regarding Senator Prud'homme. It is a question of the elimination and selection process. It is only fair that, having ventured into this process, we receive an answer to that question. If there is no hope of ever getting on a committee on which one would like to serve, it is useless to put one's name forward, particularly in Senator Prud'homme's case.

I am not trying to be impossible. I am merely trying to determine how the Leader of the Government adjudicated or arrived at her fair decision.

Senator Carstairs: I thank the honourable senator for his question. Let me be sure the honourable senator clearly understands the numbers issue here. Nineteen Liberal senators asked to sit on the Foreign Affairs Committee. Eleven of them asked to sit on this committee as their first choice. I had to disappoint three members on this side.

To answer the rest of the question, Senator Fairbairn — and I am sure she will not mind if I use her name — had a discussion yesterday with my executive assistant, to whom she said, "I have given up applying for Foreign Affairs. I do not even put it as a choice." Therefore, we actually had senators on our side who would have applied if they thought they could even make it to the top of the list.

The reality here is that there are a great many senators who want to serve on the Foreign Affairs Committee. I made the choice to select eight from our side to sit on that committee. The opposition made the choice to take four on their side. That totals 12 members of this committee. There was simply not room for Senator Prud'homme.

Hon. Jean-Robert Gauthier: Honourable senators, I have wanted to be a member of the Foreign Affairs Committee for the last five years. As a matter of fact, in 1994, I chaired a special committee of both Houses that reviewed the whole foreign policy of this country. I believe I am as qualified to sit on this committee as any other member.

I always understood that all senators are equal in this place. When I heard there were 19 members of my caucus who wanted

to become members of the Foreign Affairs Committee, I said to the leader, "Withdraw my name. I am a good player. I will do something else."

I do not understand what is Senator St. Germain's point.

The Hon. the Speaker: Do you have another question, Senator St. Germain?

Senator Bryden: Are you auditioning for a position or something?

Senator St. Germain: The only thing I would audition for is something you do not qualify for, Senator Bryden. You are out of it.

The Hon. the Speaker: Honourable senators, I will recognize Senator St. Germain. I know from the debate that has occurred so far that the honourable senator has a special interest in this matter. Am I correct that Senator St. Germain has a question for the last speaker?

Senator St. Germain: To be fair, I am not certain whether I have the right to question the senator. I still have not received what I believe is any indication of fairness in the process, although Senator Carstairs is most likely one of the fairest women to have ever come out of Manitoba.

Senator Kinsella: Mira is the fairest!

The Hon. the Speaker: Senator St. Germain, if you have a question, please put it as succinctly as you can. I have other people on my list wishing to intervene.

Senator St. Germain: Honourable senators, we may not have a person as fair as Senator Carstairs in the future. Theoretically, everyone in the Liberal caucus could be told to apply for positions on the committee and they would come up with the numbers. I know Senator Carstairs would not do that. I suggest a process could be developed, in the future, if not today, giving consideration to senators who want to serve on committees as independents.

Senator Kinsella: Senator Gauthier has to answer.

The Hon. the Speaker: Senator Kinsella, I have consulted the Table on this, and we believe that Senator Gauthier's intervention was a question to Senator Carstairs. I am going to regard it as such and go back now to Senator Carstairs to respond to the question by Senator St. Germain.

Senator Carstairs: First, my husband thanks Senator St. Germain for the fairness comment, and our mutual friend Al Munro thanks you for the fairness comment.

Honourable senators, I tried to make the selection in the fairest possible way. I thank you for recognizing that it was done in a fair and appropriate way. I can only speak for myself in this while I am the leader, it will continue to be a fair system for applications and receipt of applications, and a genuine attempt will be made to properly place people on committee.

Let me say that the leadership on both sides worked very hard in coming up with a list that met with the satisfaction of both sides of this chamber. I did involve the honourable senator, as the Leader of the Alliance Party, inasmuch as I could involve him. He, too, was offered committees and he chose not to accept committees. I hope this chamber will continue to operate fairly, as it has operated under my wonderful predecessors, Senator Fairbairn and Senator Graham. As we start, so shall we proceed.

The Hon. the Speaker: Senator Gauthier, I consider your intervention a moment ago as a comment or question to the Leader of the Government. Do you have a further question for Senator Carstairs?

Senator Gauthier: Honourable senators, I have two points. First, I do not know of any independent senator in this place. They may be unaligned, but they are not independent, any more than I am. The honourable senator cannot tell me he is an independent. We all know he is a member of the Alliance Party.

Second, why did the selection committee not make recommendations regarding joint committees of the House and the Senate? Is there a special procedure to be followed? Why are there not recommendations for joint committees?

Also, why do we still have in our rules committees that have not sat for years?

• (1440)

We have the committee on the Restaurant of Parliament, for example. Why are we continuing with these committees that do not, in fact, exist? They are still on the orders. What will the standing orders say in regards to the committee on languages, for example?

Senator Carstairs: Honourable senators, to the best of my knowledge, there is no longer a joint committee on the restaurant, which I am sure you will be delighted to know. As far as the other joint committees are concerned, again, we made a decision not to assign the joint committee members until such time as the House of Commons has reported to us on their membership. At that point, the Selection Committee will meet to determine the membership on the joint committees.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, on Saturday, February 10, I shall be celebrating my 37th anniversary as a parliamentarian, as a federalist French Canadian from Quebec in Ottawa. Thirty seven years in the service of my country!

I became involved in foreign affairs as early as in 1965, as a member of parliament in the House of Commons and during my stints at the University of Ottawa and the University of Montreal. I was elected president of the student body at the University of Ottawa; in fact, I won over Mr. Bédard, who went on to become

a Minister of Justice under a PQ government. At the University of Montreal, I took over from Jean Rochon as president of the student body of the law faculty, and my successor was Bernard Landry, who will become the next Premier of Quebec. As early as in 1958, when I was attending University of Ottawa, I burned in effigy —

[English]

— Orval Faubus, Governor of Arkansas, for his anti-black stance and racist theories. February is Black History Month. That was external affairs, and I was involved ever since that day in foreign affairs.

I want to speak now to the new senators, who do not know the hanky-panky stuff around here. I was given the honour of chairing the Commons Committee on Foreign Affairs and National Defence. Do you think that was easy? We had 30 members of the House of Commons, from Michael Forestall to Pat Nowlan to Flora MacDonald. For more than 10 years in the House of Commons, never challenged by anyone, taking initiative — and remembering that, when you are a chairman, you know what unites and you know what divides.

I was elected — by secret ballot, not open ballot — chairman of the Quebec caucus, against all the establishment of the Liberal Party of Canada. I was elected chairman of the national Liberal caucus, against Sheila Copps, in a secret ballot by 22 votes. I was opposed by the Canadian Jewish Congress, the Zionists of Canada, the Canada-Israel Committee, who denounced my election one minute after I became chairman. I can go on and on and on, and I will.

Today you see sit fit not to put me on the committee where I could help my country, knowing what divides and what unites. I have never used any of my positions in my 37 years to push forward opinions by my authority as chairman. I had the full confidence of Pierre Elliott Trudeau, who sent me to the United Nations under Saul Rae in 1974. In 1975, Mr. Trudeau asked me to be his representative in Egypt for the reopening of the Suez Canal. Personally, I was treated as though I were Mr. Trudeau, not Marcel Prud'homme. Yet you do not see me as fit to sit on that committee.

The Leader of the Government in the Senate asked me to indicate a second and third choice. I wish to inform the honourable senator that I want to be useful. I remember very well when she was the Deputy Leader of the Government in the Senate. When we asked the honourable senator, "What are the criteria?" she said: Well, seniority, I admit; talents, I admit; experience, I admit.

Those are the honourable senator's own words — I am sure she will acknowledge that. I know that some people think that to be on the Foreign Affairs Committee is a travelling trip. Well, not for me. I can travel at my own expense, as I do so often. When I am not a delegate to the IPU — ask Senator Finestone — I pay my own expenses to attend. I gave Senator Finestone my place for two years, about eight years ago.

If honourable senators think I am unfit to sit on the Standing Senate Committee on Foreign Affairs, do not insult me — not you personally, but the system — by offering me a second or third choice, just to make sure that I may be useful in a committee. I find it insulting, with respect to my two independent colleagues — I do not speak for them, but the situation is such that not many people are interested in social affairs, not many people are interested in aboriginal affairs. That could put an end to this country. That is where these two independents were put. There must not have been many applications if they could so smoothly become members of these two committees.

I regret that I must stand up today. I will surprise you — because I had a long conversation with the government whip, who is a very personal friend. I could say, no, you will not pass this today — a stance that might force us to sit tomorrow, and so be it. Or I could say that if you do not prolong the debate, we will sit next week — because we will adjourn next week in case you did not know. I could say, so what?

As a gift to my friend, the whip of the government, I will not oppose this very unfair, totally unacceptable motion.

I wish to put on the record the Honourable Senator Carstairs' telephone call to me in Saudi Arabia. She asked me for a choice, it is true, but she already knew my choice, from the past. The honourable senator knows that I do not have a second and third choice. I know the honourable senator's difficulty — she said she could not deliver some of her members. I told her that for the first time in my life I will get up in the Senate and make a series of special debates — because the rules accept it — on Canada's Middle East policy. Very few colleagues believe they have a veto right over people who may not share their views. I regret it. In an open country like Canada, every point of view should be put on the table. I have not prepared a speech, and you are "god-damn-ly" lucky I did not.

Some Hon. Senators: Order! Order!

Senator Prud'homme: "God-damn-ly" in French means nothing.

[Translation]

I have had quite enough of your hypocrisy. I am sick and tired of the hypocrisy of people who have been beating around the bush for 35 years, who have been accusing us of being responsible for every calamity, because we hold different views. Yet my opinions on the Middle East are clear. They are the same as those of the government. Do you understand that? I have always supported Canada's policy in the Middle East, no more, no less.

• (1450)

Why do certain people keep spewing their venom? Do you know what "venom" is? It is a poison that destroys human relations for these new senators, who hear ineptitudes, stupidities and lies.

Do you think that Marcel Prud'homme, at the age of 66 and with 37 years of indisputably loyal service to this country, Canada, is going to bow to a bunch of characters who do not admit publicly the real reasons for this refusal of a person who is always ready to attend a committee meeting, even if not a member. I say to the Leader of the Government that I have attended a number of meetings of parliamentary committees, though a member of none. I have logged more time in my seven years in the Senate on parliamentary committees without membership, and I never missed a meeting of my House of Commons committees, where I served the Liberal Party of Canada very well.

When there were problems in a committee, whom did the whips call upon? Marcel Prud'homme, because I had a certain ability to negotiate with my friends in all political parties. And now they are telling me it is regrettable that I will sit on a committee. The Leader of the Government has offered a second, a third, a fourth choice, like throwing a dog a bone to keep him quiet. I thank you, Madam. I understand your problems. It is not easy.

[English]

It is not easy to be leader. I understand the minister's problems. She had to accommodate everyone, and she could not accommodate me. I bow to that decision; I accept it. I will not even say that I will get even. I am not that type of person. I could tell honourable senators that I will get even and that some people will pay for this, but I am not that type of person. I am not a divisive person. I am a person who tries to unite and who tries to open the eyes of the people to the realities of the world.

I regret that the honourable leader could not accommodate me on the Foreign Affairs Committee. I say to her, "Keep it."

[Translation]

If I were a vulgar person, I would tell you what you could do with this committee. I could tell you that I will try to be more present on the Foreign Affairs Committee than the members appointed to it. One thing I will tell you is that it is most embarrassing to attend committees where the favourites of the regime are appointed as members but are not in attendance. It is very embarrassing. I bow to your decision. You can pass your resolution.

[English]

I find it strange that the Leader of the Government went overboard and forgot Senator Maheu's two reports. Senator Maheu intelligently put to the Senate as a whole two reports of independent senators. No one wanted to take care of them. Suddenly, after negotiations between the two parties, without accepting or even debating those two reports, it was decided overnight to accommodate two of the six independent senators. Two have bowed out, as is their right, which is quite something. Two others made choices. I am no fool. One of them is a great guy. He was the best member on my foreign affairs committee. I am not being arrogant when I say that he was on "my committee," but he was. He was faithful.

As far as Senator Wilson is concerned, I do not need to tell honourable senators how expressive and well known she is in the world. She saw fit to ask to become a member of the Aboriginal Peoples Committee.

I repeat publicly that I am regretful, and honourable senators will hear more about that in Quebec.

[Translation]

I am not going to be made to look like a man who refuses to do his job as a senator. I can assure you of one thing: The debate is not over. If I am agreeing that you can be away tomorrow and next week, that does not mean I am giving my support.

I find it odd that some of the people appointed to the Foreign Affairs Committee are also on other top committees. They must have a lot of spare time!

[English]

It is very strange. It must be like in Rome. They say that the Pope is a little bit more equal than certain cardinals.

The Hon. the Speaker: Honourable senators, is the house ready for the question?

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Mercier, seconded by the Honourable Senator Mahovlich, that the second report of the Senate Committee of Selection be adopted.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Prud'homme: On division, and you are lucky!

Motion agreed to and report adopted, on division.

[Translation]

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENTS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding Rule 58(1)(f), I move:

That for the duration of the present session any select committee may meet during adjournments of the Senate.

[English]

The Hon. the Speaker: Honourable senators, is leave granted to proceed with this motion now?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Anne C. Cools: Honourable senators, I am curious. I should like to ask a question. Is this a routine motion, or is this a new situation? Perhaps Senator Robichaud could explain.

Senator Robichaud: Honourable senators, this is a routine procedure. Rule 95(3) provides that committees may sit when the Senate is adjourned only by order of the Senate.

Hon. Jean-Robert Gauthier: Honourable senators, I do not wish to be repetitive, but I should like to come back to the issue of joint committees of the Senate and the House of Commons.

In the *Rules of the Senate of Canada* dated October 2000, which is the most recent edition, a list of standing Senate committees and joint committees is set out in rule 86(1). There is a Joint Committee on the Library of Parliament, which is okay. There is a Joint Committee on the Printing of Parliament, which has not met for at least seven or eight years. It should be removed from the list. As for the Joint Committee on the Restaurant of Parliament, I agree with the honourable leader who says that it has not met or been active for the last four or five years. Why is it still listed in the rules? The Joint Committee for the Scrutiny of Regulations is very important. I think we should keep it. The Joint Committee on Official Languages is up in the air. I do not know where we are with respect to that joint committee.

Honourable senators, I want to ensure that our rules direct the proceedings in this place. If some committees may never meet, let us remove them from the list.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Rules Committee of the Senate is always examining changes and anomalies within the rules. Committee members come forward with amendments to those rules. I understand that our former Speaker has undertaken a major cleanup of the anomalies found in the rules. I wish to assure Senator Gauthier that his concerns will also be taken care of at the appropriate time.

• (1500)

Senator Cools: Honourable senators, I do not pay that much attention to the Joint Committee on the Restaurant of Parliament or to the other committees mentioned, but if these committees no longer exist, how are these aspects of Parliament administered? Who, for example, runs and administers the restaurant and the Library of Parliament? If these two joint committees of the two chambers are not supervising these aspects of Parliament, then, pray tell, who is supervising them?

The Hon. the Speaker: The last speaker to address this issue was Senator Carstairs. I am assuming that Senator Cools is putting her question to Senator Carstairs.

Honourable senators, I believe that I heard the procedural question, "What is happening here?" We are discussing a Notice of Motion. We should have moved the motion for purposes of debate, but I may have perhaps mistakenly allowed an exchange to occur before the stage when the question is put. It would be wise for me to now put the question to the house, and then Senator Cools can debate this matter or put a question at that time.

Honourable senators, it is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Graham, with leave of the Senate and notwithstanding rule 58(1)(f):

That for the duration of the present session any select committee may meet during adjournments of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I ask leave to revert to Government Notices of Motions following the completion of Orders of the Day, Inquiries and Motions for the purpose of dealing with the adjournment motion.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Anne C. Cools: No, leave is not granted. I was under the impression that His Honour was putting the question so as to allow the motion to go into debate. It was my understanding that Senator Robichaud would rise and speak to his own motion and then the questions could properly be put to him. It seems to me the point that His Honour had made is that we had moved ahead of the question being put into debate before us.

The Hon. the Speaker: Honourable senators, Senator Cools is quite right. That is what happened. I did put the question. I asked if there was agreement, and I heard "yes." The only way we could return to that matter now would be with unanimous consent. I point out that if leave is not granted for this traditional motion, then the result probably would be a sitting tomorrow because no notice can be given. In any event, I leave this matter to honourable senators.

Perhaps Senator Cools could put her request for leave one more time so that everyone is clear as to what is being requested, which is to return to the previous matter.

Senator Cools: Honourable senators, this is indeed an odd and peculiar situation. The custom is that notice is given. When the order is called, the motion is moved, and before a final vote is taken, the senator moving the motion rises and speaks. Other senators have an opportunity to take part in the debate. It was my clear understanding, although I could be mistaken, that His Honour rose and said that we had gone ahead too quickly and that the motion should be put before us for the debate to begin properly. It seemed to me that this was the proper way to proceed. Then I thought that Senator Robichaud would get to his feet, and I would properly be able to put the question that I was trying to ask him. I do not want to revert particularly; I just want my question answered.

My question comes back to the exact same thought that I have posed earlier. Senator Gauthier has suggested or asserted that these committees — he named the Library of Parliament, the restaurant, and I believe there were others — no longer function or they have not been operational for a few years. It is a well-known principle of Parliament that Parliament is to be administered by members. The question that I was seeking some clarification on was the following: If the Joint Committee on the Library of Parliament does not function as a joint venture between the two chambers, and if the Joint Committee on the Restaurant of Parliament does not function, then who looks after the business and interests of senators in respect of the administration of Parliament? How is that done?

The Hon. the Speaker: Honourable senators, to prevent further confusion with respect to how we should conduct our affairs, I wish to clarify that we have completed consideration of the motion of Senator Robichaud dealing with the matter of select committees meeting during adjournments of the Senate. That matter is finished. I invited Senator Cools to put her request — which the honourable senator has done — to the honourable senators to move back in the rules; in other words, use our ability to change what we have already done, including the rules, to return to that matter, but it would require unanimous leave.

Is unanimous leave granted, honourable senators?

Hon. John Lynch-Staunton (Leader of the Opposition): For what?

The Hon. the Speaker: Honourable senators, I shall start again.

Senator Robichaud has the floor. He has asked for leave to revert later this day. I heard that leave was granted. At that point, Senator Cools stood and stated that she believed we were still on the previous item. I pointed out to the honourable senator that we were not on the previous item and that the only way we can go back to the previous item is with unanimous leave of all senators with no dissenting voice. I let Senator Cools have the floor to put what I thought would be her request for unanimous leave to return to the previous item.

Is unanimous leave granted, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker: Then I will confirm my understanding that the request by Senator Robichaud to revert later this day is before us.

Honourable senators, is leave granted to revert to Government Notices of Motions later in the day for purposes of dealing with the adjournment motion?

Hon. Senators: Agreed.

QUESTION PERIOD

PUBLIC WORKS

COMPLETION OF MANITOBA FLOODWAY

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. I, too, should like to pay a compliment to the leader on her tribute to Duff Roblin yesterday. I was remiss in not doing so and, as a fellow Manitoban, I appreciate the leader doing that.

I wish to make a little aside with respect to this question. What is not known is that while Duff's Ditch protected the city of Winnipeg, the rural areas south of the city were not protected.

• (1510)

They were in fear of being flooded on a regular basis. In the flood of 1979, Sterling Lyon, the then Premier of Manitoba, surveyed the damage with then Prime Minister Pierre Elliott Trudeau by airplane. Sterling Lyon told Mr. Trudeau that this kind of damage need not happen. On a handshake, they agreed they would build ring dikes around the towns and villages south of the floodway, and that indeed was done. In fact, in the area in which I live a ring dike protects some 30 properties.

I should like to refer back to the question I asked yesterday with regard to the potential for flooding in the Red River Valley. As indicated in the final report of the International Joint Commission, the fear of a recurrence of the 1997 flood is ever greater. As a matter of fact, the International Joint Commission final report recommended that we prepare for a flood comparable to that of 1826, which I think was 220,000 feet per second along the river versus the 169,000 feet per second that we experienced in 1997.

In its press conference, the International Joint Commission recommended that the federal and the provincial governments act with as much haste as possible because of the likelihood of a flood equal to or greater than the 1997 flood.

What is the state of the union with respect to this? It was 18 years after the 1950 flood before the floodway was in operation. Eighteen years after the 1997 flood is a long time.

I know that it may not be possible to answer this question today, but I should like to know the current status of this matter and what the potential is for moving quickly. Has any date been set for this?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. The effects of the 1997 flood were reflected in this very chamber. Senator Molgat, Senator Stratton and Senator Spivak, all of whom live within the city of Winnipeg, were all victims of that flood. The flood affected not only those outside of the city of Winnipeg but those living along the rivers within our city.

Senator Stratton is aware of the present situation. The lead minister from the Province of Manitoba, the Honourable Ron

Duhamel, has committed himself to working with the provincial government on this matter. I, too, have indicated to the Government of Manitoba that I would be prepared to meet with officials at any time on this issue. Although no formal negotiations have yet begun, I sense a willingness on the part of all participants to find a more permanent resolution than we currently have.

Senator Stratton: Honourable senators, can I take from that response that there is currently no timetable set out whatsoever?

Senator Carstairs: Honourable senators, at the present time there is no timetable. As this is a Manitoba issue, we are waiting for the Manitoba government to respond.

HEALTH

NEW BRUNSWICK—FUNDING OF ABORTION SERVICES

Hon. Lowell Murray: Honourable senators, may I return once more to the questions I raised yesterday and the day before with regard to the funding of abortion services in New Brunswick. I thank the Leader of Government in the Senate for her efficiency in obtaining an informal reply from the Minister of Health on these matters. Nevertheless, in view of the reply yesterday, which was to the effect that the Minister of Health agrees that the regulation of abortion services in New Brunswick contravenes the principles of accessibility and universality in the Canada Health Act, it would be important for us to have a brief formal statement from the department with the analysis that led them to that conclusion.

May I ask the leader to obtain this for us with her usual efficiency?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I will do my best to get a brief formal statement for him.

AUDITOR GENERAL'S REPORT—

FUTURE ROLE OF DEPARTMENT IN SETTING STANDARDS

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. It is once again a question arising from the report of the Auditor General, this time pertaining to Chapter 26, "Health Canada, Regulatory Regime of Biologics."

The Auditor General notes that rapid changes in the field of biologics require that the move from a regulations-based system to a standards-based system will take place. The problem, however, honourable senators, with this shift is that third-party organizations will play more of a role in health standard setting than the Government of Canada.

Can the Leader of the Government in the Senate explain how Health Canada will be able to continue to play a leadership role in standard setting practices? What assurance can the honourable leader give us that the setting of health standards for Canadians will remain under the control of the federal government?

Hon. Sharon Carstairs (Leader of the Government):

I thank the honourable senator for his question. Clearly, it is absolutely critical that Health Canada remain the ultimate decision maker on the whole issue of genetic engineering and the extent of it in our society. That is not to say that all of the bodies of information rest with Health Canada. That would not be possible with the explosion of new knowledge and technology in this field. It is essential that the government reach out to scientists and knowledgeable persons in the field to get the very best information that it can possibly obtain. However, in the final analysis the standards remain with Health Canada.

Senator Oliver: Honourable senators, is the Leader of the Government in the Senate able to give us her assurance that the federal government will retain control?

Senator Carstairs: Honourable senators, from the information that I have been given, it is my understanding that that is the case.

AUDITOR GENERAL'S REPORT—
RECRUITMENT PROGRAM FOR BUREAU OF BIOLOGICS

Hon. Donald H. Oliver: Honourable senators, in November 1997, Justice Krever outlined a number of measures to improve the blood regime in Canada and to provide compensation for victims of hepatitis C, which measures were ignored by the federal government. One recommendation was that the Bureau of Biologics receive increased funding and staffing to strengthen Health Canada's blood safety program.

By August of the year 2000, this government had filled only 34 of 94 vacant positions in the program. Amid other failures of this government, as reported by the Auditor General, the department does not review adverse reaction reports from industry in other countries. It stores them in boxes.

Will the Leader of the Government in the Senate confirm whether the federal government stores the health reports of other countries in boxes? And second, will she outline what active measures the government has taken to fully staff all blood system related occupational vacancies?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with regard to the first question about whether reports from other countries are stored in boxes, I shall have to get back to the honourable senator because I have no information.

With regard to the number of positions that were filled, the Public Service Commission is collaborating with Treasury Board on a recruitment action plan. I believe that that action plan would also be used to fill positions at Health Canada.

There will be several initiatives to improve the public service recruitment program, and it is anticipated that in the fall of 2001 the entire post-secondary recruitment program will be redesigned. Therefore, we are more at the ready than we have been in the past.

• (1520)

TRANSPORT

AIR CANADA—
SURVEY TO DETERMINE LEVEL OF BILINGUAL SERVICE

Hon. Jean-Robert Gauthier: I have a question for the Leader of the Government in the Senate.

Several media reports tell us that Air Canada has decided to reduce or to question passengers as to the need to have both official languages used in the operations of the airline. I quote from *The Globe and Mail* of yesterday:

Mr. Dennis Erickson, manager of corporate communications for Air Canada Regional, said yesterday in an interview the airlines are trying to determine the level of bilingual service sought by customers.

He goes on to explain that there are new rules.

[Translation]

In today's issue of *La Presse*, we read:

Liberal MPs are afraid that Air Canada is neglecting bilingualism...

This is becoming an important issue. A Western newspaper, *Le Courrier du lecteur*, says that there is not enough demand to justify bilingual signs in the Regina and Saskatoon airports.

Could the Leader of the Government ask the Minister of Transport and the Minister of Canadian Heritage whether there is a government policy on official languages? Has Air Canada been relieved of its obligations under section 10 of the Official Languages Act?

There is no reason to conduct a survey to determine whether or not to continue to enforce the Official Languages Act. It is the law.

Some Hon. Senators: Absolutely!

[English]

Hon. Sharon Carstairs (Leader of the Government): The honourable senator has asked a very serious question, indeed. Like him, I was somewhat shocked to learn that Air Canada was conducting such a survey of its passengers to determine whether there was, in their interpretation, enough need for French-language services.

I have not spoken with the Minister of Transport about this particular issue, but I will do so. I will report back as quickly as I possibly can.

CANADIAN FOOD INSPECTION AGENCY

RECRUITMENT EFFORTS TO INCREASE STAFF

Hon. Mira Spivak: Honourable senators, those of us who sat through the committee hearings in the Agriculture Committee on rBST were not surprised to see the devastating criticism of the Canadian Food Inspection Agency and the Health Protection Branch. Criticisms include underfunding, staff shortages, lack of expertise in regulatory agencies, and a reliance on safety standards set by the industry itself or by third parties. I discovered there was indeed a committee within the department on which industry sat, in which they took the minutes, and in which they set policy. It was surprising.

The food agency is not concentrating on inspections in areas of greatest health concerns, such as imports from the Third World. The agency does not know enough about the number of cases of food-borne illnesses because of split jurisdiction with provincial and municipal health authorities. It does not have a good handle on the prevalence of disease-causing pathogens. Health Canada, in monitoring the production of blood products and vaccines, operates under outdated regulations that have not kept pace with scientific advances.

The Canadian Food Inspection Agency has a monitoring program which is called "have a cup of coffee and pray." This program involves merely spot inspections. There is no longer the staff that there once was. Living human beings are just not there.

My question is to the Leader of the Government. I am not sure that she has all the information she needs to answer today. Does the Canadian Food Inspection Agency intend to beef up its staff? I refer to the staff which actually regulates out in the field. Will it eliminate the "have a cup of coffee and pray" approach, and increase inspections on beef and so forth? I know this area is of great concern to the beef producers here, who as an industry want to have very stringent inspections.

Will there be a radical restructuring to give the Canadian Food Inspection Agency the proper resources it needs to ensure that there is not a conflict of interest wherein the agency that promotes the product also regulates it? This is a structural problem.

Those are my questions. I do not expect answers today.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her questions, and I think I have part of the answer.

The Auditor General acknowledged in his audit that he did not do a resource audit. He did not, therefore, conclude that CFIA's programs were either over- or under-resourced.

There has been concern regarding CFIA for some time, as the honourable senator has indicated. CFIA has initiated such a resource review, in conjunction with the Treasury Board Secretariat, which will evaluate all of CFIA's activities and confirm whether they are appropriately resourced. If it is shown that they are not, resources will be put in place.

Senator Spivak: The leader will agree that there were a number of excellent questions and recommendations in the report that came out of the Standing Senate Committee on Agriculture and Forestry, which was greeted with much applause throughout the country. Perhaps we could revisit some of those recommendations, the result of a long period of study, and forward them to the people doing the review.

Senator Carstairs: I thank the honourable senator for her excellent suggestion. In fact, I will ask my staff to review all recent reports of Senate committees, reports such as the one the honourable senator has referred to and other reports, such as those from the National Finance and Banking Committees, to ensure that the government is aware of the excellent work this chamber does.

AUDITOR GENERAL

PRINCIPLES OF FIDUCIARY RESPONSIBILITY IN THE MANAGEMENT OF PUBLIC FUNDS—GOVERNMENT POLICY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): My question is to the Leader of the Government in the Senate.

Could the minister advise the house as to whether or not the government subscribes to the four principles outlined by the Auditor General in his recent report that, in his view, ought to govern the government's fiduciary obligations to Canadians for the management of public funds?

I will footnote my question for the minister. On page 10 of the volume entitled "Matters of Special Importance," forward and main points, the Auditor General outlines what he considers to be four key principles.

I believe all honourable senators would like to know whether the government embraces those four principles that ought to govern fiduciary responsibility over the taxpayers' money.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. The four principles outlined by the Auditor General are worth repeating to every one in this chamber. He said very clearly that all spending should be sanctioned by Parliament, that spending should be managed with probity and efficiency, that the value of spending should be measured by what is achieved, and that spending programs should remain current.

The Government of Canada totally concurs with those principles. We were delighted when the Auditor General indicated that, while he was not satisfied — I have never known an auditor anywhere in this country who has ever been entirely satisfied with governments at any level — he did say that real progress had been made in the 1990s.

Senator Kinsella: Honourable senators, my supplementary question speaks to the processes that we have in place under our system of governance to apply those principles, which the minister has just stated are embraced by the government. That, of course, is the role of both Houses of Parliament.

• (1530)

Will the government be forthcoming in facilitating standing Senate committees that examine expenditures against the standard of the four principles as we go through this 37th session of Parliament?

Senator Carstairs: Honourable senators, I will certainly ask them to do just that.

HOUSE OF COMMONS

FEDERAL ELECTION RESULTS—INFLUENCE ON NUMBER OF WOMEN AND VISIBLE MINORITY MEMBERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question on a different topic, one in which I am sure many honourable senators would be interested. It speaks to the composition of this Parliament as a result of the election on November 27, 2000. There has been a significant decrease in the female membership of the other place and there has been absolutely no change in the number of House of Commons members from visible minority groups.

We understand that the electorate has a key say in the selection, as do the selection processes for political candidates of the various political parties. In this House of Parliament, though, the selection process is somewhat different and that affords a tremendous opportunity to the Prime Minister who, under the Constitution, makes recommendations to the Governor General to summon Canadians to sit in this place. Will the minister make a representation to the Prime Minister advising him that the last election resulted in a decrease in the number of women parliamentarians and in no increase in the participation of members in the visible minority community?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, this chamber has become more reflective, if you will, of the body politic in this nation than the other place. I remember when Senator Bacon and I were sworn in. If I am not mistaken, we were the fourteenth and fifteenth women appointments to this chamber at that particular time. I believe there are 33 women sitting in this chamber today. I consider that to be a significant upward swing for members of my gender.

In addition, there have been a number of appointments to this chamber of people of visible minorities.

The honourable senator has stated in his question — and unfortunately he is quite correct — that the House of Commons has not seen the same type of progress. On the one hand, I congratulate the government on the election and re-election of so many members. We had few retirements and the previous members were clearly judged to be good representatives of their constituencies and were returned to office. That did not, therefore, afford us the same opportunity to nominate many new candidates. We did have some and some of those new candidates are women.

In Manitoba, the Honourable Lloyd Axworthy, a venerable member of the other place, was replaced in the House of

Commons by Anita Neville, a woman. To me, that was certainly a positive step forward.

I will, however, take the message to the Prime Minister that honourable senators are concerned to see more women in both chambers, to see more visible minority members in both chambers, and more members of our first peoples in both chambers.

[Translation]

ORDERS OF THE DAY

CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved the second reading of Bill S-11, to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other acts in consequence thereof.

She said: Honourable senators, it is a pleasure to speak on the bill to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other acts in consequence thereof.

As honourable senators are aware, this is a bill that has been reintroduced today because its earlier version died on the Order Paper as Bill S-19.

Interruption of the Senate's examination of the bill has, however, afforded the government the opportunity to look more carefully at the points raised in committee. I am very pleased to say that the bill reintroduced today as Bill S-11 takes into account the worthwhile points raised by witnesses, and so this impressive piece of legislation is now even better.

The majority of the changes to Bill S-11 are of a technical nature and mainly clarify the terms and bring about uniformity in the wording of the text itself and between it and other statutes such as the Canada Cooperatives Act. In addition to the changes, there are new measures aimed at improving the rights of shareholders. Otherwise, all basic provisions are identical to what was in Bill S-19.

The members of the Banking, Trade and Commerce Committee found the comments and advice of the 35 witnesses heard between April and the end of June 2000 especially constructive.

I add that the witnesses all supported the bill. To us, this consensus confirms that the bill faithfully reflects the opinions, recommendations and wishes expressed during the consultations with the committee and the Department of Industry held over the past years.

I therefore once again thank all the interveners who supported us over the years. I cite particularly the diligence of the groups that appeared before the committee and would mention, among others, the Coalition for the Reform of the Canadian Business Corporations Act, the Canadian Bar Association, the Church Taskforce on Corporate Responsibility, Democracy Watch and the Canadian Co-operative Association.

The aim of the Canadian Business Corporations Act is readily understood. It guarantees the establishment of an appropriate accountability framework by defining the rights and responsibilities of directors and shareholders.

The aim of the law is simple, and the reasons behind its amendment are clear as well: Times have changed. The present law, solid legislation, has remained unchanged for 26 years. The need to act is therefore clear.

I suspect that even people with no interest in business or trade know that commercial transactions are not the same now as they were, that markets are now global and that alliances and partnerships among businesses are created and dissolved at a rate no one ever imagined or thought possible.

The transactions take place and markets are exchanged at the speed of the Internet. Because of that, NAFTA and globalization, and because Canada belongs to the G-8 and leads it in job creation, it is time to modernize the rules set out in the Canadian Business Corporations Act in order to provide Canadian business with clear guidelines for taking advantage of openings in today's markets.

The changes proposed in Bill S-11 will improve and modernize the law in four important respects: the bill increases shareholders' right to communicate among themselves and encourages their participation in the corporation's decision-making process; the bill will help meet the needs of Canadian corporations seeking to expand on the world market, by encouraging the better companies in the world to establish a place of business in Canada from where they may conduct their international operations. This aspect of the bill will improve Canada's competitiveness in the world; moreover, the bill will clarify the responsibilities of directors and shareholders; finally, it will eliminate overlap with various laws and with provinces and will reduce costs.

• (1540)

It is not necessary for me to do a detailed review of the basic provisions of the bill on this issue. Honourable senators should consult the *Debates of the Senate* to read the explanations that we have already provided on this at second reading, on March 28, 2000.

Instead, I would rather use the time at my disposal to explain two of the most important additions that are now part of Bill S-11.

Several witnesses, including officials from the Inter-Church Taskforce on Corporate Responsibility and from Democracy

Watch, felt that the reform triggered by Bill S-19 on the submission of proposals by shareholders did not go far enough in two areas.

Bill S-19 authorized a corporation to reject a proposal whose primary purpose was to serve general economic, political, racial, religious, social or similar purposes, unless its sponsor could demonstrate that it was linked in a significant manner to the corporation's business or internal activities.

The stakeholders challenged the fact that corporations would still have the power to reject a proposal submitted essentially to promote general economic, political, racial, religious or similar causes.

They pointed out that the bill still gave too much flexibility to corporations, allowing them to refuse to publicize a proposal, to the extent that it seemed to relate to a cause of that type.

Moreover, stakeholders were concerned that the bill required the sponsor of the proposal to prove that his proposal did relate in a significant way to the corporation's commercial or internal activities.

In the new bill, the general causes for rejection have been eliminated. From now on, a corporation can only reject a proposal if it does not significantly relate to its commercial or internal activities.

Moreover, it is now the corporation's responsibility to explain its reasons for rejecting the proposal, and not up to the sponsor of that proposal to justify it.

It is still up to shareholders to file a motion with the court if a corporation turns down their proposal; however, it would be up to the corporation to justify its decision. There is no doubt that the rights of shareholders have been strengthened accordingly.

A second amendment in Bill S-11 will increase use of electronic communications in cooperatives. The provisions authorizing use of electronic communications by cooperatives will be similar to those applying to corporations governed by the Canada Business Corporations Act. The purpose is to put cooperatives and corporations on an equal footing.

The new provisions outline the manner in which cooperatives may communicate electronically with their members and shareholders; members and shareholders will be able to vote electronically in annual meetings; it will be possible to hold entire meetings electronically.

Honourable senators will admit that provisions such as these are concrete evidence of the undertaking by the Government of Canada in the Red Book to make our country a sophisticated nation, to connect Canadians with one another and with the world, to facilitate access to the Internet, and to revolutionize the way people communicate, exchange information, and transact business.

Honourable senators, in its Red Book and in the economic statement last fall, the Government of Canada clearly undertook to encourage entrepreneurship and risk-taking, by lowering the corporate tax rate and the capital gains inclusion rate. It promised to create a society and a business climate in which well-educated, specialized professionals will want to live and work, so that entrepreneurs will see Canada as the ideal country in which to do business.

The provisions in Bill S-11 are part of this forward-looking approach designed to create an innovative business climate.

The proposed legislation will give cooperatives and federal corporations the necessary flexibility and effectiveness to create wealth for their shareholders and for all Canadians, for they will then be better placed to expand their international transactions, create jobs and strengthen hundreds of communities, small and large, throughout Canada.

I therefore urge all honourable senators to support Bill S-11.

On motion of Senator Kinsella, for Senator Tkachuk, debate adjourned.

COMMITTEE OF SELECTION

FIRST REPORT ADOPTED

The Senate proceeded to consideration of the first report of the Committee of Selection (Speaker *pro tempore*), presented in the Senate on February 7, 2001.

Hon. Léonce Mercier: Honourable senators, I move adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

BILL TO MAINTAIN THE PRINCIPLES RELATING TO THE ROLE OF THE SENATE AS ESTABLISHED BY THE CONSTITUTION OF CANADA

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Corbin, for the second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.—(Honourable Senator Grafstein).

Hon. Jeremiah S. Grafstein: Honourable senators, let me commence by congratulating our assiduous colleague Senator Joyal for his initiative in proposing this omnibus bill which essentially, repairs and restores the legislative regimes that excluded the Senate, especially with respect to "oversight," the receipt and review of government reports. Without this restorative measure, the Senate would be deprived of an essential feature, an essential duty of Parliament to act as a check and balance, as oversight to the government.

As senators and parliamentarians, our primary responsibility is not only to amend or pass laws but to uphold and sustain the rule of law. Fundamental to the rule of law is the constitutional order in this country under which the rule of law operates. Intrinsic to the rule of law is the tripartite nature of government, the Crown and Parliament, made up of two Houses of equal legislative authority, save with respect to money bills, confidence measures and limitations on constitutional matters which adhere to the lower House. In all other matters the Senate is equal in power to the House of Commons under the Constitution.

Honourable senators, let me refer briefly to a case well known to all of you. It is the 1980 Canada Supreme Court case intitled "In the matter of a Reference by the Governor in Council concerning the legislative authority of the Parliament of Canada in relation to the Upper House..." This was a Supreme Court decision on a case heard in March of 1979, and which was reported in the *Supreme Court Reports* in 1980. The entire court was present. They were the then Chief Justice Laskin, Justice Martland, Ritchie, Pigeon, Dickson, Estey, Pratte and McIntyre. They all agreed unanimously with the decision to which I would like to refer.

The decision had a number of questions. The first question is the pertinent one here. The decision states, in part:

The Governor in Council referred to this Court the following two questions, in accordance with s. 55 of the *Supreme Court Act*.

The question was this:

1. Is it within the legislative authority of the Parliament of Canada to repeal sections 21 to 36 of the *British North America Act, 1867*, as amended, and to amend other sections thereof so as to delete any reference to an Upper House or the Senate? If not, in what particular or particulars and to what extent?

• (1550)

Essentially, honourable senators will recall that this case was about the attempt by the House of Commons to, in effect, amend unilaterally the powers of the Senate. This question was then put to the Supreme Court. It is relevant to the legislation at hand as to what powers the lower House has to change the essential features of the Senate unilaterally without constitutional amendment. I will not go through the entire case, but I do want to remind honourable senators of some of the statements made in this decision. On page 66, the court says:

The Senate has a vital role as a institution forming part of the federal system created by the Act.

They later go on to say:

Under the Constitution of the United Kingdom, to which reference is made in the first recital, legislative power was and is exercised by the Queen, by and with the advice and consent of the House of Lords and the House of Commons. The Upper House was not and is not an elected body, the Lower House was and is.

The case goes on to say:

It is, we think, proper to consider the historical background which led to the provision, which was made in the Act for the creation of the Senate as a part of the apparatus for the enactment of federal legislation.

They then go on to quote from the debates on Confederation. First, Sir John A. Macdonald said:

In order to protect local interests and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House on the principle of equality.

You will recall, honourable senators, that the three divisions then were Ontario, Quebec and the Maritimes. Later on, as the Constitution was expanded, it included other divisions in the west, but essentially the arguments pertained to the equality of divisions that we still have in this country.

Sir John A. went on to say this:

There are three great sections, having different interests, in this proposed Confederation....To the Upper House is to be confided the protection of sectional interests; therefore is it that the three great divisions are there equally represented for the purpose of defending such interests against the combinations of majorities in the Assembly.

The Supreme Court went on to quote briefly the Honourable George Brown:

But the very essence of our compact is that the union shall be federal and not legislative. Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step; and, for my part, I am quite willing they should have it. In maintaining the existing sectional boundaries and handing over the control of local matters to local bodies, we recognize, to a certain extent, a diversity of interests; and it is quite natural that the protection for those interests, by equality in the Upper

Chamber, should be demanded by the less numerous provinces.

The court goes on to say:

A primary purpose of the creation of the Senate, as a part of the federal legislative process, was, therefore, to afford protection to the various sectional interests in Canada in relation to the enactment of federal legislation.

Later on in the case, on page 68, it states :

The creation of a federal system in Canada involved the necessity of effecting a division of legislative powers. This division is made by the provisions of ss. 91 and 92 of the Act.

They quote section 91, and then they say this:

The power to enact federal legislation was given to the Queen by and with the advice and consent of the Senate and the House of Commons. Thus, the body which had been created as a means of protecting sectional and provincial interests was made a participant in the legislative process.

I commend all honourable senators to read this case because essentially it is a reaffirmation by the Supreme Court of Canada in 1980 of the full partnership of the Senate in all legislative aspects, save the three that I mentioned earlier.

Honourable senators, I will not repeat the repetition in the case, but the honourable justices make the same point over and over again — namely, that the Senate is a coequal partner in Parliament. If that coequal partnership is not maintained, that obviously raises the question of the legitimacy of legislation made under it. In effect, this case says clearly that even if the Senate itself chose to reduce its powers, it could not do so. We do not have within our competence the ability to reduce our own powers, save with respect to a constitutional amendment.

The Supreme Court of Canada dealt squarely with the Senate's role in the legal and constitutional order in this country. Parliament cannot, in my view because of what the Supreme Court of Canada unanimously held, even if it chose, legislate to derogate the powers of the Senate without constitutional amendment.

Honourable senators, by approving this omnibus bill, we remove a clear and present danger that legislation taken under the various bills may be found in breach of the Constitution. The clear and present danger might result in legal challenges to the various legislative regimes that are, hopefully, repaired and renovated by this legislation. This rather simple measure is a surgical reform to remove doubts and questions respecting the validity of these various and important laws. Hence, I support the passage of this omnibus bill. To do otherwise is to leave open serious questions about the constitutional validity of acts taken and conducted under the legislation named and needlessly undermine constitutional order and the rule of law.

One final word, honourable senators, about oversight. The substance of the measures in the bill is essentially to return to the Senate and those various pieces of legislation the role of oversight. The duty of oversight in Parliament is well established. The duty of oversight is a check and balance on the government by both the House of Commons and the Senate. It goes to the very nature of our separation of powers. It goes to the very heart of the separation of powers between the executive and the legislatures and Parliament. To reduce oversight is to derogate and dilute the careful balance of checks and powers in our system of responsible government.

Honourable senators, I commend speedy passage of this omnibus bill. I move, that the bill be referred to the Standing Committee on Privileges, Rules and Orders.

On motion of Senator Kinsella, debate adjourned.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-10, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the debate on Bill S-10, the parliamentary poet laureate bill.

On December 14, 1999, we had a similar opportunity to speak in support of the principle of Bill S-5, which, as honourable senators know, is the same bill that is once again before the Senate but now as Bill S-10, in this our Thirty-seventh Parliament. Like the doubling of the number to propose a parliamentary poet laureate, I am twice as convinced of the wisdom of the initiative contained in Bill S-10 than I was when I spoke in support of Bill S-5.

I originally had some concerns about the title “poet laureate.” Whilst at first blush it seemed to me to be somewhat colonial, it is indeed an accurate descriptor of the officer of the Library of Parliament envisaged by the bill.

Honourable senators, allow me to place on the record a few considerations that might guide the development of the office of the Canadian parliamentary poet laureate.

First, the poet laureate, in his or her writing, must be reflective of our bilingual country, together with the fullness of the ethnocultural diversity of Canada.

• (1600)

When one looks at clause 5(b) of the bill, relating to the sponsorship of poetry reading across Canada, one might well find instruction in the work of Robert Pinsky, a poet laureate or, as

they call him more accurately, Poet Laureate Consultant in Poetry to the Library of Congress. Pinsky's Favourite Poem Project was a millennium commemoration of 2,000 Americans from every state, with varying regional accents, ages, levels of education, professions and ethnic origins, reciting their poems for an audio-visual archive.

Second, honourable senators, I note that Rita Dove, Professor of English at the University of Virginia in Charlottesville, was the first black American who served as the United States poet laureate. She served from 1993 and 1995. Professor Dove brought a program of poetry and jazz to the Library of Congress literary series, along with a reading by young Crow Indian poets and a two-day conference entitled “Oil on the Waters: The Black Diaspora.”

The point I wish to underscore, honourable senators, is that the Canadian parliamentary poet laureate must develop the work of that office such that it embraces the fullness of Canadian literature and Canadian life, which is a life of the great diversity of our ethnocultural communities and the reality of our dual-linguistic society.

Third, I should like to think that the advice of Robert Hass on the evolution of the poet laureate office should be placed on our record. Mr. Hass also served as poet laureate in Washington. You might wonder why I am concentrating on the poet laureate at the Library of Congress. It is because when I spoke on this topic when we dealt with Bill S-5, I concentrated on the poet laureate in the United Kingdom. We can learn from both. Hopefully, the office-holder in Canada will learn from the experience of those two traditions.

We were able to interview Mr. Hass. I should like to place on the record some of his observations. Mr. Hass told us that one of the basic obligations that he saw as poet laureate in the United States was to give a lecture and a reading at the Library of Congress during his tenure and to set up a literary program for the library and for the Washington community. He stated:

...in becoming the Poet Laureate you become the person through whom public presence of poetry is manifest, and therefore have to make yourself available for lots of press and radio interviews —

— but —

— if a poet chooses to accept the honour and to go about their work, they can do that. But if you want to undertake any of the kinds of work you can do to enhance the presence of poetry in the public eye, you can also do that.

It is this promotional role that Hass underscored and, hopefully our poet laureate might find an example therein.

Since the time of Robert Penn Warren, who was the poet laureate in 1984 in the United States, subsequent poets have done things differently. That is just fine. Some have thrown themselves into the task of being a kind of ambassador for American letters and yet others have taken it as an honour and chance to keep on writing. Hass said to us:

I've gotten a couple of invitations to do that —

— be an Ambassador for the Arts —

— and also to get involved in programming on Voice of America. It would also be possible, for example, to bring European, Latin American or other international writers to the Library —

— he is referring to the Library of Congress —

— as part of the program you set up, which has an archival function.

Hass pointed out, and hopefully our office-holders will take note, that the poet laureate will be invited to participate in a number of things to try to make the case to support writing in Canada and to support the arts in general in Canada. In a sense, to use Hass' words, it is a lot like being on the campaign trail. It is a continuous campaign for the promotion of the arts in Canada. Notwithstanding partisanship in Canada, I submit that it is a campaign wagon that we might all willingly be on-board.

With those few comments placed on the record, honourable senators, I support Senator Grafstein's bill.

Hon. Eymard G. Corbin: Honourable senators, I have not changed my mind about this bill, but I will spare you listening to a repetition of the speech I made during the last Parliament.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

Hon. Jeremiah S. Grafstein: With leave, now.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[Translation]

THE SENATE

MOTION TO CHANGE RULES REGARDING STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice of January 31, 2001, moved:

That rule 86(1) of the *Rules of the Senate* be amended:

1. by deleting paragraph (e);

2. by adding immediately after paragraph (q) the following new paragraph:

"The Senate Committee on Official Languages, composed of seven members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages."; and

3. by relettering the paragraphs accordingly.

That, notwithstanding Rule 85(3), the Senate membership on the Standing Joint Committee on Official Languages lapse; and

That a Message be sent to the House of Commons acquainting that House thereof.

He said: Honourable senators, the motion before us is intended to establish a Standing Senate Committee on Official Languages.

When I was elected to Parliament in 1972, there was a special committee to examine the questions of official languages. I must say that there was considerable interest in official languages at that time and that, in my own case, I was most interested in the matter.

Later on, I recall a meeting with Prime Minister Joe Clark. We were three Liberal parliamentarians suggesting that a standing joint committee on official languages be struck. I was accompanied by Senators Serge Joyal and Pierre De Bané. Our meeting was productive, since the Standing Joint Committee on Official Languages was struck.

The committee was not particularly partisan and it looked at the significant issues of the day in a serious manner. These dealt with the federal policy on institutional bilingualism. Our goal was to develop a public service capable of responding to Canadians in the official language of their choice.

As well, we were addressing the creation of policy of equitable representation of both great official language communities throughout the entire country. Also, we wanted to enable federal public servants to be able to work in their official language and be supervised in that same language. Finally, we also wanted to adapt the new computer technology to allow both official languages to be used within the public service.

I must go on record as saying that the joint committee has done a serious, constructive and productive job. I must acknowledge the great contribution made by Senator Eymard Corbin, who chaired the committee, and Senator Finestone, who also chaired it during her time in the House of Commons, as well as Senator Lowell Murray, my co-chair for several years. I am, moreover, extremely proud of the reports we submitted to Parliament. This was a serious examination of an important matter.

In recent years, however, we have been forced to admit that the joint Senate and Commons committee has been less effective and productive. Over the years, its dynamism has waned and it has become heavily partisan, in part because of the House of Commons "pizza," with its five political parties for whom official languages are not a priority.

Consequently, there have been few MPs in attendance at the committee. Sometimes we had to wait hours for a House vote to be over. There was always a good reason — the legislation being voted on was important. As well, Opposition MPs showed very little interest in the underlying issues of official languages. Some of them saw this as an opportunity to ask hair-splitting partisan questions about the cost of institutional bilingualism.

I have a great deal of empathy and appreciation for the work that has been done by the joint committee co-chairs during the 36th Parliament, for I know both took their jobs seriously and performed them with the best of intentions. My sincere thanks, therefore, to Senator Rose-Marie Losier-Cool and MP Raymonde Folco.

It is not easy to chair a joint committee of the Senate and the House of Commons, because there are no specific rules on the proceedings or on the operations of joint committees. A few years ago, we tried to establish such rules. Some members of Parliament and senators met several times to discuss the issue, but the situation remains the same.

In fact, the Speaker of the House of Commons has often said that he does not have the authority to monitor committee proceedings, let alone those of joint committees.

Since committee members could not come to an agreement, the Standing Joint Committee on Official Languages proceeded according to the following principle: When it is chaired by the co-chair from the House of Commons, the rules of the House of Commons or of its committees prevail. Conversely, when it is chaired by the co-chair from the Senate, the rules of the Senate apply. Since the rules and practices of the House of Commons and the Senate are quite different, the result is a lack of consistency and a great deal of confusion and inefficiency. Speaking of inefficiency, not only do joint committees have two co-chairs, they also have two clerks, two messengers, and so on. This is useless duplication and a waste of human resources.

Language policy is a serious and ever current issue that requires the constant attention of members of Parliament. As all parliamentarians know, committee members develop a particular expertise when they sit on the same committee for a long time. It is only normal, since our attention is focussed on these issues. However, this has not been the case for a long time with those members of Parliament who sit on the Standing Joint Committee on Official Languages. I am not referring to senators but to members of Parliament.

The act provides that parliamentary reviews must be referred to standing joint committees, or to House or Senate committees. It is time to think about disengagement.

The standing committees of both Houses cover more or less the same areas. The issue of language policy could also be

examined by each House separately, which would allow both Houses to follow its own calendar.

• (1620)

On joint committees, members of the elected House often have a different timetable from members of the appointed House. The committee's deliberations, while equal in value, are not governed by a set of rules or conventions in the heat of action. Any confrontation reduces the effectiveness of the committee's proceedings and reflects on both Houses.

It is not appropriate to propose that a committee from one House simply operate in the same manner as a committee from the other House. If each House had its own committee, the result would probably be different.

For close to a year now, I have been trying to convince the authorities in the Senate and in the House of Commons of the merits of striking a Standing Senate Committee on Official Languages. There is hesitation. I am being asked to be patient. I am being told that there will be a "renewal" in the Parliament we are now beginning, and that MPs will be more present, more interested. Honourable senators, I have run out of patience.

If the motion before this house is passed and referred to the Standing Committee on Privileges, Standing Rules and Orders, serious restructuring of the committee will be possible.

Rest assured, honourable senators: Nothing in this motion prevents the House of Commons from striking its own official languages committee. Both standing committees — the one from the Senate and the one from the House of Commons — will also be able to meet from time to time to examine issues of common interest.

We have serious issues to discuss, one of them being service to the public. In fact I asked a question on Air Canada's language policy today. It is high time that the committee or this House took an interest in the matter. The newspapers are printing a sort of stories. According to the surveys, certain airlines do not have enough demand.

Honourable senators, we all know that section 10 of the legislation privatizing Air Canada is specific and precise: Air Canada is subject to the Official Languages Act, period. Now questions are arising as to whether the number of francophone justifies the application of the act and whether demand is heavy enough between Chicoutimi and Mont-Laurier.

At Air Canada, there is a requirement for safety instructions to be provided in English and in French. That is absolutely essential. That organization must provide effective services in both official languages.

Second, we are told that there are recruiting problems in the public service. Many public servants are retiring and we will have to hire skilled people to fill the vacancies. Is the government taking into account the need to have a public service that can meet the requirements relating to official languages?

Air Canada eliminated 3,500 jobs. I wrote to Mr. Milton to find out if his company would keep in mind its obligation to serve Canadians in both official languages. The answer I got was that this was not one of their concerns. Therefore, there is a continuing disregard for this issue on the part of officials. Mr. Milton ought to know that there are two official languages in our country.

Third, it is necessary and critical, in the public service, to serve Canadians in the official language of their choice, in a proactive manner.

During the debates that took place in the previous Parliament, I often spoke about the development of official languages communities. The government must give special attention to official language communities to help them thrive and develop. Federal assistance is necessary and the government has an obligation to provide such assistance.

Section 41 of the Official Languages Act clearly states that the government is committed to supporting and assisting in the development and promotion of official language communities. I am not the one saying this; it is spelled out in the act.

Finally, I should like to talk about the equal status of the two official languages in Canadian society, and that includes education in the language of the minority. This principle applies everywhere in Canada, and it is the case for health and social services. In Ontario, for example, Montfort Hospital is the only French-language teaching hospital outside Quebec.

It is time we dealt with the language issue, if only to promote among young Canadians an awareness of the need to serve the public in both official languages, whether at the Department of Immigration, on the Internet, or in Ottawa, the nation's capital. Ottawa is not a bilingual city right now, although a motion supporting the bilingual status of the city was unanimously passed here in the Senate.

The Hon. the Speaker *pro tempore*: Honourable senators, the time allotted for debate has expired. Is there leave to continue?

Hon. Senators: Agreed.

Senator Gauthier: I should like to point out that there are 5 million bilingual Canadians, 19 million unilingual English and in Quebec, 4 million unilingual French.

To put it succinctly, this motion is urgent and important. We need to take an informed and wise decision. We need to strike a Standing Senate Committee on Official Languages. I would remind honourable senators that regional and linguistic interests are a fundamental responsibility of the Senate. We must waste no time in acting.

[English]

Hon. Sheila Finestone: Honourable senators, I should like to support the observations made by our honourable colleague and to suggest that the bilingualism of Canada defines who we are as

a people. It is an affirmation of the value system which we hold so dear, and the institutions and organizations that reflect Canada have a moral obligation to affirm it as well.

As Senator Gauthier observed, the actions of Air Canada are extremely troubling. However, there are other major corporations doing exactly the same thing, be it English being overlooked in the province of Quebec or French being overlooked in the rest of Canada. In many ways, it is even more difficult in the rest of Canada.

We must heed what Senator Gauthier has said. I have encouraged Senator Gauthier to write a letter to the Chair of the Transport Committee suggesting that we investigate this incident further. Air Canada must to be held accountable.

Senator Gauthier, one of the strongest protectors of official bilingualism, is strongly of the view that the Official Languages Committee should not be a joint committee with the House of Commons but, rather, that the Senate should have its own committee. I hope that the Rules Committee will attend to that matter with diligence and will discuss it with the House of Commons.

Hon. Nicholas W. Taylor: Honourable senators, I, as a westerner, wish to support Senator Gauthier's initiative. It should be made very clear to anyone depending upon a national charter or a federal government licence that such licence is contingent upon bilingual service.

In Air Canada's case, perhaps we should strike quickly by sending letters to the president of the corporation. I recall that Senator Joyal once wrote a letter complaining about airline service, with favourable results.

I suggest, honourable senators, that we try to nip this in the bud by writing to the President of Air Canada telling him that we do not agree that language rights should be subject to a majority vote. Language rights are not a question of majority rights but rather a question of minority rights, be it the English language or the French language.

I suggest that senators drop a note to the new immigrant to Canada who is residing in Montreal and running the national airline explaining that minority rights are not determined by asking the majority what they want.

• (1630)

Hon. Tommy Banks: Honourable senators, I agree with my friend from Alberta. I will certainly take his suggestion and I will write a letter.

The magic number, I am told, is 5 per cent. There is no doubt in my mind that far, far more than 5 per cent of Western Canadians, in response to the question, "In which language would you like to hear the instructions?" would answer "both," because most Western Canadians, unlike the few who sit on the rump of things, are perfectly reasonable people who understand where we live.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, if a member of the opposition wishes to speak, I am prepared to give up my turn.

Hon. Gerald J. Comeau: Honourable senators, I support what my colleague Senator Gauthier, a long-recognized defender of the interests of both minority communities in Canada, has had to say.

I have sat on the Joint Committee on Official Languages both as a member of the House of Commons and as a senator. It is a difficult committee, one where there are squabbles, partisanship and heavy procedural wrangling, rather than reflection on the substance of the issue, so much so that I now refuse to sit on it. Membership on it is totally unacceptable to me, even though I co-chaired it and believed in its objectives.

I should like to give more thought to what I will say on this matter and would therefore like to move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

[English]

UNITED STATES NATIONAL MISSILE DEFENCE SYSTEM

MOTION RECOMMENDING THAT THE GOVERNMENT
NOT SUPPORT DEVELOPMENT—DEBATE ADJOURNED

Hon. Douglas Roche, pursuant to notice of February 6, 2001, moved:

That the Senate of Canada recommends that the Government of Canada avoid involvement and support for the development of a National Missile Defence (NMD) system that would run counter to the legal obligations enshrined in the Anti-Ballistic Missile Treaty, which has been a cornerstone of strategic stability and an important foundation for international efforts on nuclear disarmament and non-proliferation for almost thirty years.

He said: Honourable senators, does Canada want a new nuclear arms race? Does Canada want the carefully built structure of disarmament and non-proliferation treaties now to collapse? Does Canada want the unity of NATO to be shattered?

Of course, the answer to these questions is a resounding "no," but the development and deployment of a national missile defence system by the United States will produce these unfortunate results.

The thrust of the motion I am presenting today is that Canada must exercise all its diplomatic and political strength to convince the U.S. administration not to proceed with NMD, as the system is known. Canada will not be alone in expressing this view, for many NATO allies, along with Russia, China, as well as nuclear

disarmament and legal experts and NGOs, are trying to stop NMD.

This NMD system, initially projected to cost \$60 billion, is intended to provide a defence for all 50 states in the United States against small-scale attack by intercontinental-range ballistic missiles.

The primary argument made for immediate deployment is the possibility that emerging missile states hostile to the U.S., such as North Korea, might soon acquire ICBMs and use them to attack U.S. territory. The proposed NMD system would use ground-based interceptors deployed initially at one site and eventually at two sites, supported by an extensive network of ground-based radar and space-based infrared sensors. This system uses impressively advanced technology. It is precisely the deployment of such a system that the Anti-Ballistic Missile Treaty, known as the ABM treaty, signed by the U.S. and the former Soviet Union in 1972, was designed to stop. The ABM treaty was constructed to establish stability and confidence between the nuclear superpowers by disallowing the development of defensive systems in order to prevent the building of more offensive weapons to overcome these defences. The U.S. readily admits NMD contravenes the ABM treaty and is pressuring Russia to amend it or to abrogate it entirely.

The ABM treaty is widely recognized as a lynchpin of international stability and security. Consider the words of French President Jacques Chirac speaking last October in his role as President of the European Union:

The European Union and Russia have an identical viewpoint. We have condemned any potential revision of the ABM Treaty, believing that such a revision will invoke the risk of proliferation that will be very dangerous for the future.

Documents concerning the ongoing U.S.-Russian negotiation on ABM amendments were published in the *New York Times* several months ago.

• (1630)

These documents show that not only is the U.S. retaining its core stock of nuclear weapons but is actually encouraging Russia to do so as well so that Russia will know that it can always penetrate NMD and thus not be afraid of it.

If NMD does go ahead, the U.S. cannot then credibly argue that it is fulfilling its legal obligations to the non-proliferation treaty. Yet at the NPT Sixth Review in the year 2000, all 180 signatories, including the United States made:

...an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals.

This pledge was inserted into a program of 13 practical steps to implement the commitment in legal and very final processes. The NPT obliges nations to pursue negotiations for the elimination of nuclear weapons.

The famous 1996 advisory opinion of the International Court of Justice states that nations must conclude such negotiations. NMD flies in the face of the efforts the world community has been making for 30 years to contain arms races and set the world firmly on a path to the elimination of nuclear weapons.

Honourable senators, the opponents of NMD know what they are talking about. They know that we can only obtain security through cooperative efforts based on legal instruments. A unilateral breakout from the disarmament regime jeopardizes everyone's safety.

To say that the international community is in an uproar over U.S. intentions puts it mildly. There is consternation. The issue has not only split the U.S. from Russia but has virtually isolated the U.S. from the world community. Even the nuclear partners and strongest allies of the U.S. are publicly trying to dissuade the U.S. from proceeding because of the irreparable harm it will do to the nuclear disarmament agenda.

UN Secretary-General Kofi Annan recently stated:

There is widespread skepticism that such systems could ever work effectively, and real concern that their deployment could lead to a new arms race, set back nuclear disarmament and non-proliferation policies, and create new incentives for missile proliferation.

Last December, when Russian President Putin was in Ottawa, he said he believed that "deployment of the National Missile Defence system will damage significantly the established systems of international security" and undermine arms control progress over several decades.

It was interesting that in a joint statement Canada and Russia issued on that occasion, they agreed:

The 1972 Anti-Ballistic Missile Treaty is a cornerstone of strategic stability and an important foundation for international efforts on nuclear disarmament and non-proliferation. The two countries hope for...far-reaching reductions in strategic offensive weapons while preserving and strengthening the ABM Treaty.

Chinese leaders have argued with considerable justification that NMD deployment is tantamount to seeking unilateral, absolute security. The Chinese have stated that by no means will they accept any kind of ballistic missile defence system, as it poses a severe threat to global strategic balance and stability, warning that the international nuclear disarmament process would come tumbling down if the U.S. proceeds with NMD. NATO countries, while circumspect, are also deeply concerned, seeing the threat that the fallout from NMD will create.

Despite the opposition so widely expressed, the arrival of the Bush administration has stiffened U.S. resolve to proceed. U.S. officials are now saying that the system will proceed even though the technological ability has not been demonstrated. For a while, the U.S. used North Korea's missile program as a reason why NMD was needed.

Now that the North Korean threat has receded, the U.S. has said that unspecified threats in the future force the development of NMD. In short, the threat from other countries is diminishing as Canada's newly established ties to North Korea illustrate. Yet the proponents to NMD say an enemy is lurking, precisely because they must be able to depict an enemy somewhere in order to generate the support of U.S. taxpayers.

Frances Fitzgerald points out in her book *Way Out There in the Blue*, NMD is the successor of the discredited Strategic Defence Initiative of the 1980s known as Star Wars, and is driven by the ideologically-based extreme right in the U.S. that seeks an impossible unilateral security. The motivation of this group, which has captured control of the U.S. administration, is to prepare the way for the U.S. military dominance of outer space. The spectre of a puny North Korea as a rationale for NMD is but a subterfuge for the real goal, which is the development of weapons in space and preparation for space-directed wars in the 21st century, and total U.S. military dominance in all possible theatres of conflict.

In all of this, the profits for the military industrial complex, already at historic highs because of the \$280-billion annual defence budget of the U.S. will be spectacular.

Honourable senators, this is the dilemma in which Canada finds itself. Our government, with many others, is clearly concerned that NMD will have deleterious consequences on strategic stability and spark a new nuclear arms race, but it is afraid of wrecking Canada-U.S. relations if it pushes too hard against the Bush administration. Yet in the late 1980s, when Canada was invited by the U.S. to join the Star Wars program, the Canadian government of the day said no. If Canada could say no to missile defence madness during the Cold War, why can we not do so in the post Cold War era?

U.S.-Canada defence has been intertwined for decades. The NORAD agreement developed during the Cold War to warn of Soviet missile attack is an expression of the structural relationship between the U.S. and Canada. However, the structural agreements of NORAD and NATO certainly do not contain a basis for NMD. It is a dangerous assumption to argue that Canada's participation in NORAD would require us to enter into an NMD relationship. To do so would involve Canada in the wreckage of the disarmament architecture that NMD represents.

I appeal to the government not to be taken in by the propaganda offensive the U.S. has launched — that everyone should get in line because the NMD train has left the station. How could the train have left the station when NMD technology does not even work yet?

The U.S. is actually seeking from Canada the political legitimization of NMD through Canada signing on now. We must not sign on. If Canada throws over its principles of upholding international law just to please an ideologically based demand of the current occupants of the White House, we will be forfeiting the best interests of Canada and jeopardizing the security of the Canadian people themselves. A Canadian government that acquiesces to NMD will go down in history as having overturned decades of good, solid work that Canada has done to build the conditions for peace.

What then is the way out of this dilemma for Canada? We must participate vigorously in efforts to uphold and implement the non-proliferation treaty with its "unequivocal undertaking to the total elimination of nuclear weapons" through the 13 practical steps. Time does not permit me to list those steps now. Canada should work closely with the new agenda countries in advancing the nuclear disarmament agenda. As this agenda is implemented, any rationale for NMD that seeks to be credible will be diminished.

The alternative to NMD is the maintenance of international legal norms backed up by a properly funded verification regime, arms control, economic incentives, cooperative programs and export control systems. The nuclear posture review the U.S. is about to undertake provides an excellent opportunity for Canada to put forth its views on a bilateral basis to the United States on the full range of interrelated offensive and defensive issues. Canada should encourage the U.S. to delay its final decision on missile defence architecture and deployment until that review has been finished and absorbed.

Also, Canada should support the Russian proposal for the creation of a joint Russian-American data centre on missile launches, a "global control system," to stop the proliferation of missile technology.

Multilateral efforts to freeze and reduce the military missile capabilities of all states will be the most effective tool to address real or perceived new ballistic missile threats.

For their part, the Canadian NGO community could buttress Canada's efforts by working closely with the U.S.-based Coalition to Reduce Nuclear Dangers, which has laid out a program of action to influence the political decision makers.

Canada is by no means impotent in the NMD crisis. We can — and we must — work creatively to reduce nuclear dangers throughout the world.

Hon. Nicholas W. Taylor: Honourable senators, might I ask a couple of questions of the Honourable Senator Roche?

• (1650)

Senator Roche: Certainly.

Senator Taylor: Honourable senators, the honourable senator's speech was excellent. However, I was puzzled by a couple of references to having "shattered NATO." Let us bear in mind that NATO employed spent nuclear fuel in some of their warheads to blow up tanks and that they also bombed what I thought were innocent men, women and children in the Kosovo crisis. They sound like a highly warlike tribe, if I were just to watch them from Calgary. I do not see how this measure would shatter NATO. I thought NATO was very much on side with this. Could the honourable senator explain?

Senator Roche: I thank the honourable senator for his question.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt the Honourable Senator Roche, but the speaking time on his motion has expired.

Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Roche: Honourable senators, I am sorry if I did not pronounce clearly enough a word that was missing in Senator Taylor's question to me. I did not say that NATO would be shattered; I said that the unity of NATO would be shattered by the implementation of the U.S. NMD system. I say that on the basis of my own visit last fall to what are called the five NATO countries of Belgium, Italy, the Netherlands, Germany and Norway, where I held extensive meetings with government officials in both the foreign affairs and defence sides of government. They told me clearly how worried they are about the NMD system and that, indeed, the much vaunted and value cohesion of NATO, which NATO prides itself on, is about to be blown apart by the implementation of this system.

In my speech, I quoted President Chirac, and I could quote other European leaders, who have expressly warned the United States against this. This is an unprecedented reaction by NATO leaders — never mind the Russians and the Chinese, who are apoplectic about it. For NATO, which operates in a circumspect and unified manner, usually *en famille*, to have taken this public stance against it shows how greatly concerned they are and how much they fear that NATO unity will be shattered.

Hon. Sheila Finestone: Honourable senators, in listening to the honourable senator I recognized that we have one of the eminent experts in the world in our midst in this august assembly. The experience this gentleman has in the UN and the respect with which he is held in the international arena would certainly dictate an invitation to him by the Foreign Affairs Committee now that it has been newly constituted. Perhaps he could bring us a report on what has been going on. There is tremendous concern with respect to NMD and its impact.

I do not know that Canada alone can effect the change that is being requested by the honourable senator. I suggest that the world's concerns and how Canada will respond are very important.

Has the Government of Canada given the honourable senator an indication that it will be supportive and that it will be dragged into this new missile system? Has Canada indicated that it is comfortable with and in concert with the views being expressed by these western like-minded NATO nations?

I would like to know more about this subject. Perhaps if the honourable senator does not have time today, he could join us in another forum.

Senator Roche: Honourable senators, first, I should like to thank Senator Finestone for her kind comments.

Members opposite will well understand that I am not privy to the secret and private discussions of the Government of Canada on this matter, let alone any other matter. I do not want to pretend that I am. However, I have had discussions with officials of the Government of Canada. I believe that I can say with some accuracy that there is considerable concern inside the Government of Canada on this question, and that no final decision has been taken on what Canada's position will be. That is because, as the Canadian government points out, they have not yet been asked officially by the United States to take a position.

Nonetheless, the leg work that has been done at what I would call moderate to medium levels of the United States government and certain counterparts in the Canadian government is clearly trying to intimidate the Canadian authorities that dire repercussions are in store for us if we do not toe the line on this system. This is a tactic that has been exercised from time to time over decades. As a matter of fact, the history books contain stories of how such similar tactics have been used. This is part of the ongoing power play of politics.

Finally, the honourable senator asked if Canada can act alone. I believe that Canada can do very little alone. However, we can work with like-minded states. Here, I have in mind in particular the new agenda states that have become, through their work at the United Nations and through the exercises in the non-proliferation treaty, the most potent force on the international scene for nuclear disarmament today as a result of their very constructive effort in bringing forward the nuclear agenda in ways that have attracted widespread support. Our good friend Ireland is one of them, as is Mexico, South Africa, Sweden, and a few others. Their resolution at the UN General Assembly last fall received a vote of 154 in favour, three opposed and eight abstentions. This was an unprecedented level of support for them. If Canada were to work more closely with this body that has already formed, I believe we could exercise our strength in a greater way.

We can also work more closely with NATO. Canada has been responsible for the NATO review of nuclear weapons that has gone on under paragraph 32 of the Washington communiqué of the 1999 summit. Canada has made a valiant effort. On the basis of what I have seen in other NATO countries, there are several non-nuclear weapon states within NATO that would like to work more closely with Canada. This is not the time for Canada to lose its nerve in holding on to its principles.

• (1700)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I wonder if the Honourable Senator Roche would clarify his comments of a moment ago. If I understood the honourable senator correctly, he said that he had certain consultations with representatives of the Government of Canada. Was the honourable senator formally speaking of the government, as in cabinet ministers, or was he referring to members of the public service?

Senator Roche: I have had conversations with elected officials at high levels in the Government of Canada and with officials that operate in senior positions.

Senator Kinsella: For greater clarification, then, is the honourable senator advising this house that he is getting from members of the Government of Canada, cabinet ministers, that there is division within the cabinet on this file? What, exactly, is the honourable senator telling us?

Senator Roche: I am not in a position to say that there is division inside the cabinet of Canada; I am not privy to such discussions.

It is evident to me, from my conversations, that there is considerable concern being expressed today at high levels in the Government of Canada as to what our ultimate position should and will be.

Hon. B. Alasdair Graham: Honourable senators, I have a question for the Honourable Senator Roche following his interesting comments. In response to a question from Senator Finestone, I believe the honourable senator indicated that Canada had been warned that there would be dire repercussions in this country if we did not toe the line.

Would the honourable senator indicate his source for that particular comment as well as some background for it?

Senator Roche: I thank the honourable senator for his question. When I used the words "dire consequences," I was referring to a general background of events, not particularly contained to the NMD question. Here I would have to draw on my experience as ambassador for disarmament for the Government of Canada and, at the same time, indicate to honourable senators that there have been several instances when efforts were made to cajole or coerce the Government of Canada to do various things. These statements often come, as I said earlier, at middle levels.

I am in a difficult position in giving the honourable senator the details he would like, since I would then have to violate confidences that I obtained as a result of being a member of the Government of Canada. Therefore, I cannot go much further in detail except to point out that I am not here offering anything particularly new. Such references can be found in various books in which the details of meetings with government officials in the United States, in particular, the nuclear weapons countries, are contained.

It is a fact — and I lament it — that some countries do use strong tactics in trying to get their way, and Canada has been a recipient of such offensive offences. To its credit, Canada has stayed true to its basic principles of nuclear disarmament, a point that I made in my speech, and I do not want to see that violated now by our giving in to this pressure that is coming on us.

I will close my comment by saying — and I have written this in some of my own books — that, left to itself, I have no doubt that Canada would be in the forefront of the whole United Nations system on efforts for nuclear disarmament, but we are not, unfortunately, in my view, left to ourselves.

Senator Graham: Would I be correct in saying that the comment made with respect to "dire consequences" is related more to a historical significance in the honourable senator's own experience than it is related to more recent consultations with respect to NMD as presented on the international stage?

Senator Roche: My answer to that is that it depends to whom you are talking.

Hon. Tommy Banks: Honourable senators, I have a question for the Honourable Senator Roche.

I know that I am asking the honourable senator to speculate, but this is a matter on which I think he is not entirely lacking in knowledge. If Canada were to do what you think the Americans might ask us to do, what would be the nature of our involvement? Is the honourable senator concerned that we would become a place where these kinds of things would be tested or would fall when they fail? Would we become acquiescent in something that is being unleashed upon the world? What, exactly, is the concern other than the moral one?

Senator Roche: I thank the Honourable Senator Banks for his question.

In this subject, the border between Canada and the United States is a fiction. This is North America. We are one place. Thus, there cannot be a system that purports to defend Detroit from some sort of nuclear attack but that will not affect Windsor. You can go right across the country with such examples.

Throughout the long years of the Cold War, it was clear to Canada that we could not ever try to play a so-called neutral stance. We were part of the NATO system. Our defence depended on it. Thus, the United States, as the leader of NATO, had a very strong influence on Canada's security policies. Well, the Cold War is over. Unfortunately, much of the Cold War thinking and even rhetoric has been carried over into this new era.

The honourable senator asked about the nature of our involvement were it to go ahead. There were discussions taking place about how the NMD would be centred through the NORAD system, and thus the argument made that Canada has an "obligation" to get into NMD because it will wreck the NORAD formats that are in place. I dispute that, and I dispute it vigorously. I am not alone in that. A great deal of technical information is available that shows that turning NORAD into an NMD is not necessary, nor is it called for by any legal act.

At the end of the day, some are making the argument that, if the United States proceeds, Canada will have to proceed because of the integral security connection on this continent that I spoke about a moment ago. I am not so sure about that. I think that we have to put a great accent on the development and maintenance of international law. Canada has taken great pride in this over the

years, and we have upheld the Anti-Ballistic Missile Treaty as a cornerstone of the nuclear disarmament regime. We have upheld the non-proliferation treaty as a centrepiece of the architecture.

I would remind the honourable senator that it is not just me who is saying this. I would ask honourable senators to look at the literature of real experts around the world who are warning the United States about the deleterious consequences of the action on the NMD. I am here but the messenger.

• (1710)

I want honourable senators to realize that this is not some little thing that I am raising here. I am trying to get the attention of the Senate, and, hence, the Government of Canada and the people of Canada, to have our government think seriously about whether they really wish to overturn a body of international law just to satisfy the people who are in the White House for the next four years.

On motion of Senator Kenny, debate adjourned.

[Translation]

ADJOURNMENT

Leave having been given to revert to Notices of Motion:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 20, 2001, at 2:00 p.m.

The Hon. the Speaker *pro tempore*: Honourable senators, before moving on to the adjournment motion, allow me to thank you for the trust you have shown me by appointing me Speaker *pro tempore*.

[English]

I will do my best to respect all honourable senators because I know that to do efficient work we must do it with respect. You have proved to me in the last year that this is how we work.

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senators, leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 20, 2001, at 2 p.m.

PROGRESS OF LEGISLATION

(1st Session, 37th Parliament)

Thursday, February 8, 2001

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31		
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications					
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs					
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications					
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance					
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications					
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31							
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Gratstein)	01/01/31	01/02/08	--	--	--	01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07							
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07							
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07							
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07							

[illegible]

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Debates of the Senate

1st SESSION

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37th PARLIAMENT

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VOLUME 139

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NUMBER 7

OFFICIAL REPORT
(HANSARD)

Tuesday, February 20, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, February 20, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

HERITAGE DAY

Hon. Sheila Finestone: Honourable senators, on February 19 we celebrated Heritage Day and the beginning of Heritage Week. Not too long ago, in the other place, I introduced a bill to establish Heritage Day as a nationally celebrated holiday. Today, I still feel very strongly that the recognition of this event could stand as a symbol of our pride for Canada's unique history and traditions.

The theme chosen by Heritage Canada for the year 2001 is "Travel Through Time: the Heritage of Transportation." As we all know, transportation has played a pivotal role in the development of Canada, connecting people by land, sea and air. Transportation, however, is but one aspect of our tangible legacy. Like the great Canadian railway, stretching from the shores of the Atlantic and arriving at our western seaboard, our heritage itself travelled the same pathways in one majestic and unified architecture of people, cultures, customs and traditions.

In this sense, Heritage Day symbolizes the celebration of our intangible legacy: the values of our past recognized in the present, the strength of our aboriginal peoples, the fortitude of our immigrants, the creativity of our artists, the genius of our scientists, the vision of our statesmen and the spirit of our laws projected into the future. Intrinsic to their nature are the fundamental principles of justice, equity and freedom that have formed our nation. These principles have shaped our heritage as Canadian people, enabling us to establish our cultural and historical identity.

While our heritage respects our diversified ethnic, societal and philosophical background, at the same time it exemplifies a unified people under one creed and one flag. Multiplicity and unity: This is quite an achievement. Yes, we are all Canadians.

This is the epic reality of the Canadian journey, honourable senators. These are the passages of becoming, through the ages. At this moment in time, as we progress into the 21st century, we are embarking on a voyage of rediscovery whose destination holds the imprints of our glorious Canadian heritage.

HUMAN RIGHTS

SOCIAL CONDITION AS A PROHIBITIVE GROUND

Hon. Erminie J. Cohen: Honourable senators, I wish to speak to the report "Promoting Equality: A New Vision," updating and revising the Canadian Human Rights Act, tabled in June 2000.

As honourable senators are aware, my work in this place has been aimed at raising Canadians' attention to the plight of our disadvantaged. In recent years, establishing "social condition" as a prohibitive ground of discrimination has been of particular interest to me. Over the course of studying chronic poverty and social disadvantage in Canada, I met many people whose economic situation makes them the object of discriminatory treatment.

As we begin yet another parliamentary session, honourable senators, I should like to share with you the sense of pride and accomplishment I feel knowing this place unanimously agreed during the First Session of the Thirty-sixth Parliament that a person's social condition should be a prohibitive ground of discrimination in the Canadian Human Rights Act. Although Bill S-11 was defeated in the other place, the federal government has indicated that it has taken our work seriously and will be improving and updating human rights protection in Canada.

In June 2000, Justice La Forest and his colleagues concluded a comprehensive review of the Canadian Human Rights Act, which included the Justice Minister's request to address social condition in this context. In his panel's final submission to the minister, Justice La Forest noted:

Our research papers and the submissions we received provided us with ample evidence of widespread discrimination based on the characteristics related to social conditions such as poverty, low education, homelessness and illiteracy. We believe that there is a need to protect people who are poor from discrimination.

In the spirit of the constructive debate that marked senators' deliberations on social condition, and the recommendation of Justice La Forest, I wish to remind this house that the need to protect the poor, illiterate, homeless and poorly educated from discriminatory treatment is more important than ever before. In an era when the richest 20 per cent of Canadians saw their income rise and the poorest 20 per cent saw their income fall, discrimination directed toward a person based on their social condition is repellant to us and cannot be tolerated in practice or in the law.

Honourable senators, I look forward to continued discussion on this important matter in the weeks and months to come.

[Translation]

JUSTICE

AMENDMENTS TO LEGISLATION TO PROTECT AGAINST CAPITAL PUNISHMENT

Hon. Serge Joyal: Honourable senators, in our personal lives and in our political lives, there are pivotal moments. At such times, our profound convictions, our principles, our very reason for being, are called into play.

The right to life is by far the uppermost of all rights. To respect life, to protect it, is the most profound human act, the very core of humanity in any civilization. It is in light of that responsibility that we must interpret our responsibility in any debate concerning capital punishment.

On Thursday February 15, the Supreme Court of Canada confirmed in a unanimous decision by its nine justices the fundamental right to life as guaranteed in section 7 of the Canadian Charter of Rights and Freedoms. Everyone has a right to life, liberty and security of person.

[English]

Two years ago, the Senate debated Bill C-40 and the opportunity to give Canada's Minister of Justice the discretion to decide if an accused should be extradited to a country that imposes the death penalty. Our debates were intense. They revived all the arguments that the Supreme Court studied later in its judgment. Many times during the debate, the argument that Canada could become a safe haven for the most dangerous criminals was raised on both sides of the chamber. The Supreme Court concluded otherwise. It determined that the argument was unproved and that it was no justification for the death penalty. Life imprisonment without parole is an effective deterrent.

[Translation]

• (1410)

The court concluded that the right to life obliges the Minister of Justice to require a guarantee that the life of the guilty party will be protected. The court went so far as to conclude that, if it had to hear the 1991 *Kindler v. Canada (Minister of Justice)* case and the *Reference re Ng Extradition* again, it would reach the same conclusions as in the present one, *The Minister of Justice v. Glen Sebastian Burns and Atif Ahmad Rafay*. This is why we will have to amend the Extradition Act to reflect this obligation.

Honourable senators, the right to life is at the heart of all rights and all freedoms, their very foundation.

[English]

This fundamental principle is now part of our constitutional heritage and is one of the inalienable values that Canada should constantly and faithfully protect and serve as much within our borders as in the international community. Indeed, the court

implied that Canada should promote the abolition of the death penalty, especially with those countries with which we have the closest relations. At a key moment when a new administration takes command in Washington under a president who was the governor of the state that recently refused to commute the death sentence of a Canadian citizen, I am very proud to be a citizen of a country that recognizes the fundamental principle of the respect of the right to life above all the pressures, above all the interests, above all the decisions and, in particular, above all the legislation. May we thank the Supreme Court for its historic decision.

QUESTION OF PRIVILEGE

ORAL NOTICE

Hon. Anne C. Cools: Honourable senators, earlier today I gave written notice of my question of privilege to the Office of the Clerk, pursuant to rule 43(3) of the *Rules of the Senate of Canada*. I believe the notice has been circulated to honourable senators. I rise now, pursuant to rule 43(7) of the *Rules of the Senate of Canada*, to give oral notice that I will speak to this question of privilege later this day.

OMNIBUS BILL STALKING AMENDMENTS

Hon. Donald H. Oliver: Honourable senators, the Minister of Justice recently signalled her intention to table, once again, omnibus Criminal Code amendments. I am delighted to report that my initiative on a tougher response to stalking — Bill S-6 in the last Parliament — is part of the amendments. The omnibus bill introduced in the last Parliament died on the Order Paper. Before that, our Legal and Constitutional Affairs Committee heard from more than 19 witnesses.

Honourable senators, I am happy that my private bill has again been incorporated in an omnibus bill as part of government policy. I am particularly interested in this legislation because it is designed to provide stiffer penalties against stalkers. "Stalking," commonly defined as "malicious, repeated and unwanted pursuit or harassing of an individual," has always been a serious crime in Canada. I raised the issue because the voices of victims were not being taken seriously by both courts and prosecutors.

As I said in this chamber on May 28, 1998, three quarters of those convicted of harassment receive either probation or suspended sentences. A 1994 study of family homicide conducted by the B.C. Institute Against Family Violence proves that at least one-sixth of male perpetrators who killed former intimate partners had stalked their victims for some time. The law is obviously too lenient.

Honourable senators, the dangers of stalking can escalate to physical harm and sometimes death. Victims of harassment constantly live in fear and terror. They are often forced to alter and constantly adjust their lifestyles in attempts to find safety. I therefore urge honourable senators to give speedy approval to the stalking provisions of the omnibus bill when it comes to the Senate.

Honourable senators, I believe the current response against stalking is inadequate to protect victims. The adoption by the Minister of Justice of my private bill also shows that the Senate can be effective.

JUSTICE

AMENDMENTS TO LEGISLATION TO PROTECT AGAINST CAPITAL PUNISHMENT

Hon. Jeremiah S. Grafstein: Honourable senators, the unanimous decision of the Supreme Court of Canada in the *Burns and Rafay* case, issued February 16, 2001, gives all senators cause for reflection.

Honourable senators will recall that Bill C-40, the extradition bill, was considered by the Senate. Amendments were moved in the Senate to remove from the Minister of Justice discretion to extradite an accused to a state with capital punishment without assurances that, if convicted, the death penalty would not be imposed. This followed the practice of the states of the European Union, which, like Canada, no longer impose the death penalty.

After consideration by the Standing Senate Committee on Legal and Constitutional Affairs, Bill C-40 was reported without amendments. Amendments were introduced in the Senate. After weeks of debate in May 1999, the amendments were rejected and Bill C-40 was approved, unamended.

In the *Burns and Rafay* case, the Supreme Court of Canada decided on five grounds to deny the minister discretion unless the Minister of Justice obtained assurances that the death penalty would not be imposed. In effect, the court found that imposition of the death penalty would violate section 7 of the Charter of Rights and Freedoms. The court's five grounds echoed the reasoning in the Senate by those voicing support for my amendment.

Honourable senators will recall that later that year, in December 1999, the Civil International Space Station Agreement Implementation Act, Bill C-4, was passed without amendment. This bill also provided for ministerial discretion to extradite accused without assurances that the death penalty would not be imposed for indictable offences in outer space. When the bill was referred to the Standing Senate Committee on Foreign Affairs, I again raised the question of the *Burns and Rafay* case then before the Supreme Court. I abstained from voting to approve Bill C-40, as we were told, in effect, by officials that the government would consider appropriate amendments in light of the pending Supreme Court of Canada decision.

By the way, honourable senators, no member of the House of Commons raised concerns with respect to the imposition of the death penalty in either Bill C-40 or Bill C-4 when it was considered in the other place. Senators can extract their own lesson from the interesting parliamentary trail of Bills C-40 and C-4. This parliamentary saga was played out in the transcripts of the committees of both Houses of Parliament and in the Hansards of both Houses of Parliament. All is recorded there for each senator to contemplate.

[Translation]

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS COMMISSION

REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the report of the Canadian Human Rights Commission entitled "Time for Action," a special report to Parliament on pay equity, pursuant to section 16(2) of the Canadian Human Rights Act.

PRIVILEGES, STANDING RULES AND ORDERS

INSTRUCTION TO COMMITTEE TO REVIEW NUMBER OF COMMITTEE MEMBERS FOR STANDING COMMITTEES— NOTICE OF MOTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable Senators, pursuant to rule 58(1)(f), I give notice that at the next sitting of the Senate, I will move:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the maximum number of Senators for each of the several standing committees provided for in Rule 86(1);

And that the Committee report its findings to the Senate no later than Tuesday, March 27, 2001.

THE SENATE

PROPOSED CHANGES TO RULE 86—NOTICE OF MOTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 57(1)(a) of the *Rules of the Senate*, I give notice that Thursday next, February 22, I will move:

That Rule 86 of the *Rules of the Senate* be amended:

1. by deleting subsection 86(1)(h) and replacing it with the following:

(h) The Senate Committee on Foreign Affairs, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and Commonwealth relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid;
- (iv) territorial and offshore matters.

2. by deleting subsection 86(1)(m) and replacing it with the following:

(m) The Senate Committee on Social Affairs, Science and Technology, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is an order of the Senate to that effect, bills, messages, petitions, inquiries, papers and other matters relating to social affairs, science, and technology generally, including:

- (i) Indian and Inuit affairs;
- (ii) cultural affairs and the arts;
- (iii) social and labour matters;
- (iv) health and welfare;
- (v) pensions;
- (vi) housing;
- (vii) fitness and amateur sports;
- (viii) employment and immigration;
- (ix) consumer affairs; and
- (x) youth affairs.

3. by adding new subsections 86(1)(r) and 86(1)(s) after subsection 86(1)(q) as follows:

(r) The Senate Committee on Defence and Security, composed of nine members, four of whom shall constitute a forum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to national defence and security generally, including veterans affairs.

(s) The Senate Committee on Human Rights, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquires, papers and other matters relating to human rights generally.

• (1420)

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-16, to amend the Proceeds of Crime (Money Laundering) Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for two days hence.

PATENT ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-17, to amend the Patent Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for two days hence.

[English]

FOOD AND DRUGS ACT

BILL TO AMEND—FIRST READING

Hon. Jeremiah S. Grafstein, presented Bill S-18, to amend the Food and Drugs Act (clean drinking water).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

BLACK HISTORY MONTH

PRESENTATION TO CANADIAN BAR ASSOCIATION—
NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rules 56(1) and (2) and 57(2), I give notice that, two days hence, I will call the attention of the Senate to the celebration of Black History Month in Canada, and the Canadian Bar Association of Ontario's dinner in Toronto on February 1, 2001, at which I as the keynote speaker spoke to the topic "Room with a View: A Black Senator's View of the Canadian Senate."

CONTRIBUTIONS OF COMMUNITY—NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rules 56(1) and (2) and 57(2), I give notice that, two days hence, I will call the attention of the Senate to the month of February's designation as Black History Month, and to the ongoing celebrations of black people across Canada, and to my many speaking engagements in my capacity as the first black senator of Canada, and to the contributions of black Caribbean Canadians to Canada, and to the role of black parliamentarians in the Parliament of Canada.

[Senator Robichaud]

ACCESS TO CENSUS REPORTS

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present petitions signed by 363 Canadians requesting that the government allow the release to the public, after a reasonable period of time, of post-1901 census reports starting with the 1906 census.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
REQUIREMENTS OF PROCUREMENT PROCESS

Hon. J. Michael Forrestall: Honourable senators, I offer my very best wishes to the Speaker and to Senator Carstairs in their new responsibilities. I would simply note that it is good to see young Nova Scotians getting on in the world.

Lest Senator Carstairs did not pay much attention to the dialogue between her predecessor in that esteemed office, Senator Boudreau, and myself, she should know that she is about to embark upon a lesson, if you will, in National Defence matters, in particular, the necessity of providing promptly, on time and at good cost, reasonable equipment to enable the Canadian Armed Forces to function well and carry out its duties as seen fit by the Canadian public and the Canadian government from time to time.

My question today deals with the government's letter of interest for the Maritime helicopter project and the issue of commonality. Can the minister tell us today if commonality will be a factor in determining the competing bidder for the basic vehicle, that is lowest price compliant?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator both for his congratulatory words and for his questions. I certainly did pay attention to the dialogue between the senator and the previous government leader, Senator Boudreau, and the previous government leader to that, Senator Graham. I want the honourable senator to know that my very first visit to a minister was regarding an answer about the Sea Kings, which was for the nation as a whole but particularly relevant to the province of Nova Scotia. I wanted to know just what stage that project was at. The answer was that while the project was delayed somewhat because of the election, the target of 2005 is still the desired target, that the department is moving toward that end and that they wish to make an announcement soon.

I suggested that an honourable senator from Nova Scotia would be only too happy if that was sooner, rather than soon.

As to the honourable senator's specific question on commonality, I have to say that I have no information. I will get

back to the Minister of Defence and try to get that answer as quickly as possible.

• (1430)

Senator Forrestall: Honourable senators, I appreciate that, and I thank the minister for her response. Of course, if she is not aware, I know that she will quickly find out.

Honourable senators, with respect to my first question, all I really want to know is whether it is a yes or a no. As the minister is aware, we have already chosen the EH-101 as our replacement for search and rescue. Whether that remains intact is a question for a later date.

I simply want to make the point so that it is, I hope, well understood. In terms of 1990-91 dollars, the saving through commonality of equipment was \$257 million at a minimum, according to government documents. We have a strong suggestion now that lowest price compliant will be the effective measuring force. If that is so, and if commonality is not a factor in determining the successful bidder, Canadian taxpayers stand to lose. I would not want to do the arithmetic, because it would scare even me, but we are talking about hundreds of millions of dollars. No country or government is that rich. No political embarrassment is that great that the good of the nation and the good of the Armed Forces cannot be taken into account.

If the leader can determine from her colleagues whether compliance will be taken into account and if she receives a positive answer, then it will certainly have my support.

Senator Carstairs: Honourable senators, I thank the honourable senator. As he undoubtedly is aware, perhaps the most difficult answer to get from any government at any level is a simple yes or no. However, I will do my best to get him a yes or a no and bring it back as quickly as possible.

LOSS OF BACKGROUNDER NO. 3190-100-070

Hon. J. Michael Forrestall: Honourable senators, on a final question, would the minister find out, while making that inquiry, why it is that it has been suggested to me that DND backgrounder 1993 DND 3190-100-070 1990 has somehow been lost? I wonder why.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will do my best to find out why DND Order 3190-100-070 dated 1990 has been lost.

THE CABINET

MANITOBA—POLITICAL RESPONSIBILITIES
OF LEADER OF THE GOVERNMENT

Hon. Terry Stratton: Honourable senators, I read with interest an article in the *Winnipeg Free Press*. The government leader had to know that this was coming. That article suggested that the leader was the political minister for Manitoba, and being from rural Manitoba, that she would look after things rural. Is that report anywhere near accurate?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, no, I must say that it is nowhere near accurate. The political minister in the province of Manitoba is the Honourable Ron Duhamel. Mr. Duhamel and I have spoken about the duties in that province. I have indicated to him that because I live in rural Manitoba, I would be more than prepared to do the travelling required in that part of our province, which is vast, but I do not have co-responsibility with the Honourable Ron Duhamel.

PUBLIC WORKS

MANITOBA—EXTENSION OF WINNIPEG FLOODWAY

Hon. Terry Stratton: Honourable senators, on a supplementary question, in that same article it talked about, of course, the floodway, or Duff's ditch. It stated quite clearly that the Leader of the Government was in favour of one of the alternatives. Two alternatives were recommended by the international joint commission, one being the widening and deepening of the floodway and the other being the construction of a vast dike at Ste. Agathe, south of the city. The widening and deepening of the floodway protects the city alone from the level of a flood that comes every 500 years, while the Ste. Agathe structure protects the city and the rural area between south of the city and Ste. Agathe to a 1,000-year level. The minister was quoted as saying that she supports the widening and deepening of the floodway rather than the Ste. Agathe solution. Is that accurate, and if so, could she explain?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I want the honourable senator to know that if I was quoted in that way, I was not accurately quoted. I have been saying all along that protection is more important and should be the policy of the government, as opposed to dealing with flood victims after the fact, and that the federal government should be at the table when we are looking at initiatives to protect the people of Manitoba, not just the people of the city of Winnipeg. My concern is that we move on the protection aspect rather than on the pay-out aspect some time in the future.

Senator Stratton: Honourable senators, I have one last question. I thank the leader for that response. My concern is, as I stated before, that while Duff's ditch was a remarkable structure and a remarkable feat, it only protects the city and not the area south of the city, where I happen to live. Has the leader received a response to her inquiry as to how this issue is moving along? We are in year four now after the flood of 1997.

Senator Carstairs: Honourable senators, as the senator has indicated, and just for the edification of the members of this chamber, we have a strange anomaly in terms of population in the province of Manitoba. Almost 66 per cent of all Manitobans live in the city of Winnipeg. That only leaves 34 per cent of the population outside of the boundaries of the city of Winnipeg. However, in my view, and I think I share this with the senator opposite, that is no reason to develop programs that protect only 66 per cent of the people of my province. They should develop,

wherever possible, programs that protect 100 per cent of the residents of our province.

I must tell the honourable senator that, to my knowledge, there are no negotiations taking place at this time.

THE SENATE

REFORM—REQUEST FOR SPECIAL COMMITTEE TO EFFECT CHANGE

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and relates to parliamentary reform and specifically reform of the Senate. The honourable leader will know that for a long time I have had a very active interest in reform of the Senate to make it more responsive to the needs of the regions of Canada. Apart from difficult matters like a Triple-E Senate, which I do not espouse, there are, in my opinion, several significant internal structural changes that can be made to the operations of the Senate of Canada that do not require constitutional amendment. In view of the fact that parliamentary reform is very much on the minds of millions of Canadians today, will the honourable leader use her power and authority to establish immediately a bi-partisan committee mandated to do a thorough analysis of changes and modernizations to the Senate of Canada that will more clearly reflect the needs and desires of all Canadians from east to west? This would include opening up dialogue immediately with the leadership on the other side.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. I think such a committee would be very interesting, and I would look forward to a senator proposing such a special study or indeed a special committee of the Senate to do just that.

Senator Oliver: Honourable senators, I would not necessarily think we need another committee. I am really asking if the leader herself, with her power and authority, would undertake to be the lead and the initiative for such a job. Would she strike a committee, say, of 12 senators, with the manifest interest to reform the structure of the Senate of Canada? Further, will she ensure that such a committee is funded appropriately by the Standing Committee on Internal Economy, Budgets and Administration, so that the committee may gather the views of Canadians from coast to coast through public hearings and thoroughly canvass the needs and possibilities for change?

• (1440)

Senator Carstairs: Honourable senators, Senator Oliver has proposed in his question exactly what we do when we establish a special committee of the Senate of Canada. That should not come from the leadership of the Senate but from the members of the Senate, who choose to put such a committee together and then get the financial approval of Internal Economy in order to make such a study possible. I would be supportive of such a motion should it come forward.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—GUIDELINES FOR SCREENING AGAINST BOVINE SPONGIFORM ENCEPHALOPATHY—PROPER SURVEILLANCE AND ENFORCEMENT

Hon. Mira Spivak: Honourable senators, the United Nations Food and Agriculture Organization recommends specific actions to preventing the spread of mad cow disease in countries such as Canada that have imported cattle and animal feed products from Britain. Canada, however, has not completely complied with these actions. In fact, the Minister of Agriculture categorically denied that Canada has imported feed products from Britain or other European countries that now have the disease. The minister's statements are contradicted by Britain's customs and excise figures and by *The Sunday Times*, which has named the British rendering company that exported potentially contaminated material to Canada.

The minister's statements are also contradicted by last July's report of the European Commission Scientific Steering Committee, which assessed Canada's BSE risk based on information provided by Canada. The report states that Canada imported 160 beef cattle from the U.K. before 1990, one of which developed mad cow disease in 1993. Another 69 died or were slaughtered. The report says that Canada imported meat and bone meal from Germany, a country that is now slaughtering 400,000 cattle, and from other BSE-infected European countries.

The U.K. customs and excise table indicates that Canada imported 125 tonnes of animal protein, approximately half potentially contaminated meat and bone meal, in the critical 1993-to-1996 period. Infected material of just the size of a peppercorn could transmit the disease to a cow.

My questions are to the Leader of the Government in the Senate. What are the real facts from the Canadian side? It appears, as Senator Forrestall indicated, that some information disappeared before 1997. Why do we not have a ban on the feeding of meat and bone meal to all animals? Why have all high-risk organs, such as brains and intestines, not been removed from the human and animal food chains? We are talking about the compliance measures that Canada should have in place. Why is there not an active BSE surveillance program with adequate testing? Why are dead animals not fit for human consumption still used as animal feed?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her questions because the BSE risk is clearly a serious one. We heard many discussions in the last few weeks about whether Canada may have acted prematurely in terms of Brazil or may not have acted appropriately. I believe those claims are totally unjustified because the health of Canadians is more important than anything else, and nothing should take precedence to the health of Canadians. The honourable senator has asked some very critical questions.

All investigations carried out by Canadian regulatory officials, as a result of the article and of the statements made, do not

support the conclusion that BSE-risk products were imported in contravention of our policies. The European Union has independently verified Canada's system of import control for these products and has concluded that our system meets the highest standards of food safety. However, having said that, these claims were made in reports over the weekend. Officials are working to ensure that the reports are wrong and the information that we have in Canada is correct.

Senator Spivak: Honourable senators, these are very specific questions. I ask that the leader obtain the answers to the questions about bone meal in animal feed, et cetera.

I have other questions having to do with vaccines and products that are derived from cattle and are still imported into Canada, as well as the regulation of rendering plants, which is a question I raised in the Senate a long time ago but has since dropped from sight. Of these rendering plants, the EC report cites 13 that might be a source of cross-contamination. I am concerned about enforcement and proper surveillance in these matters, and I would appreciate proper information. As was mentioned, there is a serious health risk and people are concerned about it.

Senator Carstairs: Honourable senators, I assure Senator Spivak that every question she has asked will be taken to the Minister of Agriculture for an appropriate response.

TRANSPORT

PRIVATIZATION OF MONCTON AIRPORT

Hon. Brenda M. Robertson: Honourable senators, my question is addressed to the Leader of the Government in the Senate and relates to the 1997 agreement to privatize the Moncton airport. The Moncton airport authority was the first in the Atlantic region to sign an agreement with Transport Canada to privatize its facility. This agreement was characterized by the Auditor General as not as good as agreements signed by the other airport authorities in the region.

At a meeting with Transport Canada officials almost two weeks ago, Moncton airport officials had the opportunity to make the case that the transfer agreement was unfair because it has resulted in a competitive disadvantage for Moncton with other privatized facilities in the region.

Honourable senators, the issue has become a bit of a political football between the Minister of Labour and the Minister of Transport, who said that even while agreeing to send his officials to Moncton, he was not convinced that the Greater Moncton Airport Authority got a raw deal from his department.

All the authorities in Moncton would disagree with that statement, of course, because with the sensitive infrastructure that exists in the Atlantic region, it is easy to create an imbalance among the communities and create unfairness.

Would the government leader make inquiries as to when Moncton can expect an answer to concerns raised with the government in their meeting on February 8?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question. I will take that line of inquiry to the Minister of Transport and urge an immediate answer.

CANADIAN HUMAN RIGHTS ACT

AMENDMENTS TO INCLUDE SOCIAL CONDITION AS PROHIBITIVE GROUND OF DISCRIMINATION— GOVERNMENT POLICY

Hon. Erminie J. Cohen: Honourable senators, my question is directed to the Leader of the Government in the Senate. In June 2000, Justice La Forest concluded an audit of the Canadian Human Rights Act. On page 113 of that report submitted to the Minister of Justice, he noted that there is a need for the federal government to recognize social condition as an addition to the prohibitive grounds for discrimination.

Will the Leader of the Government in the Senate indicate whether it is her intention to once again support the principles articulated in Bill S-11 of the First Session of the Thirty-sixth Parliament, which this house passed without opposition?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question. I have no up-to-date information about amendments to the Human Rights Act, but I will make the inquiry and get that information back to the honourable senator as quickly as possible.

Senator Cohen: Honourable senators, if the federal government supports Justice La Forest's recommendations, will the Leader of the Government in the Senate support a motion that calls on the Minister of Justice to include social condition as a prohibitive ground of discrimination when legislation to amend the Canadian Human Rights Act is tabled?

Senator Carstairs: Honourable senators, if the Government of Canada supports the recommendation made by Justice La Forest, then I would be pleased to support it as well.

AGRICULTURE AND AGRI-FOOD

LOW PRICES ON FARM PRODUCTS

Hon. Leonard J. Gustafson: Honourable senators, my question relates to an article that I read in *The Globe and Mail* while travelling to Ottawa today. The article states:

George Weston Ltd. is buying Bestfoods Baking Co. in a \$1.77-billion (U.S.) deal that will make it the most profitable — and second-largest — bakery in North America.

The deal, when it closes this summer, will take Weston's breads, buns and cookies into just about every supermarket in North America.

My question is obvious. Does the minister believe that farmers are getting a fair share out of a loaf of bread when we are told that only 4 cents from that loaf goes to the producer?

• (1450)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, if the honourable senator is correct in his retelling of this particular story, then it is obviously a good news business story in that Canadian companies will find their goods in every supermarket throughout North America.

There is no question that we have a serious problem with the prices farmers obtain for their products, both nationally and internationally. We know that in the value of a loaf of bread there is little actual return to the farmers of this country. That is why we have to work very hard at maintaining a strong position to ensure support for our farmers.

I want to return to a question the honourable senator asked when we were last here. He asked why this issue was not raised with President Bush if it is of such importance. I want to assure the honourable senator that it was raised with President Bush during the talks between the Prime Minister and the President of the United States.

ADEQUACY OF GOVERNMENT SUBSIDIES

Hon. Leonard J. Gustafson: Honourable senators, I am pleased to hear that response. It has been a long time coming in terms of this very serious problem faced by our farmers. The question, however, remains: How serious is this government about dealing with the need? We lost thousands of farmers last year, and we are losing more. Many farmers will not have enough money to put in their crops. On top of that, there are farmers here today from the provinces of Manitoba, Saskatchewan, Ontario and Quebec, as well as others. This is a desperation move by farmers. One group after another is coming to Ottawa. They want to know if the government is serious. Will the government make something available that will meet the needs of the farmers? Throwing a few dollars at the problem will not solve it. How serious is the government about moving before spring seeding?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the government is very serious. Its statement in the Speech from the Throne that we must go beyond crisis management is an indication of its seriousness. The issue was followed up in the first meeting between the President of the United States and our Prime Minister. The whole issue of subsidies was raised and pressed by our Prime Minister. These are indications that there will be movement on this file.

[Translation]

THE SENATE

CALENDAR SHOWING SITTING DAYS

Hon. Roch Bolduc: Honourable senators, my question has to do with an internal matter concerning the business of the Senate, and I believe that it is important for all of us.

Would it be possible for the minister to agree with the Leader of the Opposition to have a calendar for the parliamentary session? It would be very useful to know ahead of time when the Senate will be sitting and when it will not. In the other place, they have a calendar that is distributed at the beginning of the session. Let us not forget that airfares are rather high, particularly since the introduction of the private monopoly. For example, a return trip between Quebec City and Ottawa costs \$600, so it would be important to know ahead of time when the Senate will be sitting.

The Leader of the Government in the Senate has the critical responsibility of running this house. The Leader of the Opposition wants to get along with the Leader of the Government in the Senate.

It would really be important to have such a calendar, particularly if we want to save money.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I hope he will be pleased to hear that we began preliminary discussions with his leadership several weeks ago about producing a calendar that will be shaded in red rather than green. It has always upset me that I had to walk around with a House of Commons calendar in my pocket instead of a Senate calendar. We have asked the staff of the Senate to prepare a mock-up of such a calendar. I will take it to the leadership on the other side. I hope we can have it in force and effect within a few weeks.

LIBRARY OF PARLIAMENT OFFICIAL LANGUAGES SCRUTINY OF REGULATIONS

STANDING JOINT COMMITTEES—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Ordered,—That the Standing Joint Committees be composed of the Members listed below:

LIBRARY OF PARLIAMENT

Members: Bennett, Bertrand, Borotsik, Catterall, Chamberlain, Gagnon (Champlain), Hill (Macleod), Hinton, Karygiannis, Lavigne, Lill, Malhi, Pickard, Plamondon, Saada, Stinson—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Benoit, Breitzkreuz, Burton, Cadman, Casson, Chatters, Cummins, Davies, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Grey (Edmonton North), Hanger, Harris, Hill (Prince George—Peace River), Hilstrom, Jaffer, Johnston, Kenney, Lunn (Saanich—Gulf Islands), Lunney (Nanaimo—Alberni), Mackay

(Pictou—Antigonish—Guysborough), Manning, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Pankiw, Penson, Peschisolido, Rajotte, Reid (Lanark—Carleton), Reynolds, Ritz, Sauvagneau, Schmidt, Skelton, Solberg, Sorenson, Spencer, Strahl, Thompson (Wild Rose), Toews, Vellacott, White (Langley—Abbottsford), White (North Vancouver), Williams, Yelich

OFFICIAL LANGUAGES

Members: Bélanger, Bellemare, Bonin, Bulte, Drouin, Gagnon (Québec), Godfrey, Godin, Herron, Jaffer, Lavigne, McTeague, Reid (Lanark—Carleton), Sauvageau, Spencer, Thibeault (Saint-Lambert)—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bachand (Richmond—Arthabaska), Bailey, Benoit, Breitzkreuz, Burton, Cadman, Casson, Chatters, Comartin, Cummins, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Grey (Edmonton North), Hanger, Harris, Hill (Macleod), Hill (Prince George—Peace River), Hilstrom, Hinton, Johnston, Kenney, Lunn (Saanich—Gulf Islands), Lunney (Nanaimo—Alberni), Manning, Marceau, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Nystrom, Obhrai, Pallister, Pankiw, Penson, Peschisolido, Plamondon, Rajotte, Reynolds, Ritz, Schmidt, Skelton, Solberg, Sorenson, Stinson, Strahl, Thompson (Wild Rose), Toews, Tremblay (Rimouski—Neigette-et-La Mitis), Vellacott, White (Langley—Abbottsford), White (North Vancouver), Williams, Yelich

SCRUTINY OF REGULATIONS

Members: Barns, Bonwick, Carignan, Comuzzi, Cummins, Guimond, Knutson, Lanctôt, Lee, Macklin, Myers, Nystrom, Pankiw, Schmidt, Thompson (New Brunswick Southwest), Wappel, White (North Vancouver)—(17)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Bellehumeur, Benoit, Breitzkreuz, Brison, Burton, Cadman, Casson, Chatters, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Grey (Edmonton North), Hanger, Harris, Hill (Macleod), Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Kenney, Lebel, Lunn (Saanich—Gulf Islands), Lunney (Nanaimo—Alberni), Manning, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Penson, Peschisolido, Rajotte, Reid (Lanark—Carleton), Reynolds, Ritz, Skelton, Solberg, Sorenson, Spencer, Stinson, Strahl, Thompson (Wild Rose), Toews, Vellacott, Venne, White (Langley—Abbottsford), Williams, Yelich

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

WILLIAM C. CORBETT
The Clerk of the House of Commons

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.—(*1st day of resuming debate*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, first, I wish to congratulate His Honour on his appointment. I wish him the best of success in his new responsibilities, which go far beyond presiding over our deliberations. I have no doubt that the serenity and good-naturedness with which he carried out his duties as Deputy Leader of the Government, more often than not next to an empty chair, will serve him well as Speaker. Indeed, the Speaker of the Senate is constantly called upon to represent the government and the country both at home and abroad. The Senate can only benefit from these assignments.

I had the privilege of being part of a Senate delegation last month on an official parliamentary mission to Saudi Arabia and to Qatar. It was led by Senator Molgat, who was accompanied by his charming wife, Allison. If the visit was a success, and by all accounts it was, it was largely the result of Senator Molgat's leadership. Protocol and customs foreign to our own can put quite a strain and much pressure on a Speaker when abroad. Senator Molgat, as on other missions, acquitted himself on this last one with great distinction. I also want to commend him for the many years that he served as Speaker, although I am still perplexed by more than one of his rulings, which, when not breaking new procedural ground, certainly did not lack in originality in their conclusions.

I congratulate Senator Carstairs as the newly appointed Leader of the Government in the Senate. I trust that she will not be less diligent in her efforts as the government majority keeps on swelling, nor less understanding of the role of the opposition as its ranks dwindle. The success of the parliamentary system rests largely on the majority's intentions being decided only after the

minority has been allowed a complete debate on them, both in full session and in committee. Decisions based on arithmetic alone have no place in this system.

[Translation]

There is no doubt that his many years as an experienced parliamentarian will enable Senator Robichaud to carry out his duties as Deputy Leader of the Government with distinction.

It is interesting to note that his immediate predecessor is now presiding over the deliberations, that his immediate predecessor's predecessor is Leader of the Government, and that that predecessor's predecessor was also the Leader of the Government. This would initially suggest a very promising future for someone in this position, I agree, but it is perhaps a bit early to speculate.

It will be recalled that the person who is now Leader of the Opposition was also Deputy Leader of the Government. I am all for a similar succession.

[English]

As for the Speech from the Throne, I congratulate both the proposer and the seconder for having so accurately set the tone of the debate. Neither made but passing references to the speech, preferring instead to extol the virtues of their communities when not praising the Prime Minister for his continuing in office.

I have been to Cape Breton on a number of occasions, but never to Glace Bay. Senator Cordy's intervention has convinced me to change all that on my next visit to her region. As a resident of Quebec's Eastern Townships, I agree wholeheartedly with Senator Setlakwe's description of it. It is certainly beautiful geographically, but, more to the point, it is a region where Canada's two official languages are so understood and so respected that they might as well be one.

• (1500)

When I purchase an English newspaper in Magog, the sales person says "Thank you." When it is a French newspaper, the same person says "Merci." Simple, but typical of the traditional coexistence which makes this region so hospitable and so enjoyable.

Both Senator Cordy's and Senator Setlakwe's passing reference to the Speech from the Throne rather than making it their main topic is quite understandable. Its main thrust was an undisguised tribute to the government, put together in a slap-dash way and imposed upon the Governor General, whose reading of it did nothing, despite her fine oratorical gifts and elocution, to stir her audience to other than vacant stares, drooping eyelids and not always stifled yawns.

The greatest concern shared by all Canadians is the state of the economy as that in the United States begins to falter. No less an authority than the Federal Reserve in the United States said at the end of January, only a day after the Speech from the Throne, that:

Consumer and business confidence has eroded further, exacerbated by rising energy costs that continue to drain consumer purchasing power and press on business profit margins. Partly as a consequence, retail sales and business spending on capital equipment have weakened appreciably. In response, manufacturing production has been cut back sharply, with new technologies appearing to have accelerated the response of production and demand to potential excesses in the stock of inventories and capital equipment.

President Bush, in sending his tax proposals to Congress at the beginning of the month, said, "A warning light is flashing on the dashboard of our economy." Only last week, in commenting on better than expected January retail sales, the President said that this was, "one good statistic among a sea of some pretty dismal statistics" and that he remained "concerned about the economy."

The Governor of the Bank of Canada, in a statement on February 6, while saying that "...despite near-term uncertainties, the Bank remains positive about our economic prospects for 2001," nonetheless points out that "the abrupt weakening of U.S. economic activity raises a question of what the implications for Canada will be" and, accordingly, the bank has "revised downward our projection for Canada's economic growth this year to about 3 per cent." Only one week later, however, a deputy governor of the bank admitted it could slip below 3 per cent. Slower growth means weaker tax revenues and it is estimated for every 1 per cent drop in growth, the government loses some \$2 billion a year.

Rather than suggesting that a new budget will be brought down as circumstances warrant, the government is content to rely on the Finance Minister's economic statement of last October. Things have changed considerably since then, as the authorities from whom I just quoted attest. Projections were made at a time when Canada was continuing to benefit from the U.S. economic boon, thanks in great part to the Free Trade Agreements, which, when in opposition, Liberals predicted would spell the end of Canadian unity, not to mention medicare. Surely new revenue and spending projections are required as the U.S. slowdown affects our own economy just as much as positive results do.

We also need a budget to determine the spending priorities of this government because the speech is silent on these also. As well, we need to know how much money is committed to each one of the initiatives in the speech. Are we, perhaps, going back into deficit financing — a favourite exercise of the Prime Minister when he was Minister of Finance?

The Speech from the Throne stands out for not mentioning any of the key problems facing Canadians. Such disinterest is eerily reminiscent of the "don't worry, be happy" attitude exhibited by the Prime Minister during his detached, not to say pathetic, participation in the 1995 referendum campaign.

As the speech was being read, farmers were demonstrating on Parliament Hill, seeking help against the ravages of low prices and generous subsidies in the United States and Europe. The cash squeeze on many of them is such that, unless some alleviation

occurs, and soon, some farms will not secure financing for spring seeding. Yet the word "agriculture" or "agricultural" appears only twice in the speech, and even it is more of an afterthought of platitudes than anything else.

Contrast this with the new administration's response to falling farm income in the United States. According to the Food and Agricultural Policy Research Institute based at the University of Missouri, net farm income is likely to drop 20 per cent over the next two years. For instance, in addition to lower commodity prices, nitrogen fertilizer, which is made from natural gas, is expected to be at least one-third more expensive this year than last. Last year, Americans received \$8 billion — this is in U.S. funds — in emergency aid, and the Agriculture Secretary has endorsed the idea of another emergency package this year. Since 1996, government payments to farmers in the United States have tripled to \$22 billion, while in Canada, the Minister of Agriculture limits himself to saying that he has to meet with his provincial counterparts, so please be patient — even if the seeding season is rapidly approaching.

The other Canadian resource industry that continues to be devastated is fisheries. It is not even deserving of one mention in the Speech from the Throne. The government's treatment of the fishery exemplifies its treatment of virtually all issues: Do nothing until the crisis arises. Ignore it as long as possible, then slap together some legislative initiative in an attempt to alleviate problems that should have been anticipated and addressed before the crisis occurred.

According to Marleau and Montpetit's *House of Commons Procedure and Practice*, "The Speech from the Throne usually sets forth in some detail the conditions of the country and provides an indication of what legislation it intends to bring forward." This speech fails on both counts. It contains no broad vision of the future of the country. It provides no leadership, no coherent plan — either short or long-term. It is simply a random list of spending initiatives on various social problems without any details as to how much will be spent, how the vague intents will be accomplished, or why these are important now as opposed to a few years ago, or even details dealing with priorities among these issues. There is nothing to catch the imagination of the Canadian people, nor is there anything to allow them to see themselves reflected in the proposed work plan of the government. In fact, the only economic initiative announced is to explore free trade with the Americas, simply an extension of the Conservative government's basic trade policy — a policy the Liberal Party fought with furious partisanship in this place, and elsewhere, during the 1980s and right into the 1993 election campaign.

Most of the legislative initiatives listed are the ones that died on the Order Paper in the last Parliament, such as the proposed species at risk bill, the bank reform bill, the proposed young criminal justice bill and the Employment Insurance bill. The fact is that these were well overdue even when they were introduced in the previous Parliament. While there is a section on skills and learning, it does not address the three major post-secondary education issues in Canada: student indebtedness, crumbling university infrastructure and a shortage of experienced teaching staff.

There is no mention of at least re-examining the equalization formula to allow have-not provinces, which will receive royalties from offshore oil and gas, to keep a greater portion of these revenues for a period of, say, five years to allow them to get back on sound fiscal ground before these revenues have to be shared with the rest of Canada.

Canada is one of the few if not the only industrialized country in the world not to have a national highways policy. With this speech there is still no commitment to develop or fund such a policy.

Of course, the government remains silent on the Constitution. Bill C-20 took care of everything, the Prime Minister keeps repeating. Western alienation? Let the Minister of Intergovernmental Affairs go out and tame the unruly. Now Minister Dion, in his usual conciliatory way, has gone so far as to accuse those such as the Right Honourable Joe Clark, who would negotiate to address the issues raised by Quebec, as engaging in separatist blackmail. He just cannot get it straight and admit that strains on the federation have been a historical fact since 1867, and that every national government until this one has at least been prepared to discuss and argue over them with provinces as partners, not subalterns as the present Prime Minister and his constitutional pitbull do. As the economic growth years are coming to an end, disparities and disenchantment will increase and only exacerbate an always fragile situation unless the government shows more understanding and a willingness to exchange ideas, not impose views unilaterally.

Parliamentary reform is dismissed with a vague reference to improved procedures, including voting "which will be modernized." The Prime Minister's idea of reform of the House of Commons is not free votes but more efficient voting through electronic means. Instead of addressing the root causes that can result in all night voting sessions on hundreds of irrelevant amendments, voting will take place more quickly in a matter of minutes by everyone pressing a button at the same time rather than being called on individually to stand and be counted. How the government must wish that this voting procedure had been in place when the hepatitis C motion was being decided and, just recently, the one on the Ethics Counsellor, which came word for word from the Liberal Party's infamous Red Book. Not surprisingly, then, there is no commitment to make the ethics counsellor responsible to Parliament, but why not at least have a code of ethics applicable to members of both Houses?

• (1510)

There is nothing on shipbuilding. There is nothing on the lumber sector as Canada faces renegotiation of the softwood lumber treaty with the United States. The confusion between the Minister of Industry and the Minister of International Trade on where the government stands on this important issue is inexcusable, particularly on the eve of negotiations with a U.S. administration more susceptible to protecting domestic interests than the previous one.

While health care is mentioned, there is no commitment to sustainable funding or what happens to the federal share of funding when the present agreement runs out in 2005.

One of the most crucial international debates taking place right now is a proposal by the United States to develop a national missile defence capability, while the European Union is moving ahead with a 60,000-person rapid reaction force. Where does Canada stand, as an active participant in the creation of NATO, on these two developments? Do not look in the speech for an answer. All you will find is a pious statement on Canada's proud record of peacekeeping. How easily one wants to forget Somalia.

As for low wage scales, below-minimum-level troop requirements, substandard housing and dismissal of health problems related to peacekeeping assignments, there is not a word. The 1994 findings of the Special Joint Committee on Canada's Defence Policy and the government's white paper on Defence have been completely ignored, while the press yesterday spoke of across-the-board cutbacks of Canada's defence capability. How encouraging this must be to our search-and-rescue crews and to those who serve on Canada's frigates who are so desperate to be rid of the helicopter fleet that puts them at risk daily. Other than perhaps health care, it is hard to imagine an area more badly bungled by this government.

As a matter of fact, do not look in the speech for anything but vague goals and fuzzy intents. It lives up to a quote found in the January 29 *Hill Times*: "This is a government that has raised doing nothing to new heights. If good governance is setting low expectations and exceeding them, this government has turned it into an art."

May I add in conclusion that the Speech from the Throne exemplifies this art perfectly.

On motion of Senator Carstairs, debate adjourned.

BILL TO MAINTAIN THE PRINCIPLES RELATING TO THE ROLE OF THE SENATE AS ESTABLISHED BY THE CONSTITUTION OF CANADA

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Corbin, for the second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the debate on Bill S-8 and in so doing would like to frame my intervention within the context of four elements: first, the failure of the Senate and the House of Commons to supervise the executive power of government; second, the dominance of the Prime Minister's Office in today's Canada; third, the "unlikelihood" that parliamentary supervision will develop in any short term; fourth, the opportunity for the Senate to play a major supervisory role if circumstances change.

Let me begin with the failure of this house, as well as the failure of the other place, to supervise the executive power of government. This first question that needs to be raised in this regard is simply this: How well have the two Houses of Parliament done in examining the various reports that are submitted to them under the current array of statutes that have such a reporting obligation?

Honourable senators, a cursory review of the debates and proceedings of each House and the respective committees of each place reveals a less than impressive record. Honourable senators will know the many reports that are already received by the Senate and reported to us usually by the Speaker. Today, for example, the Speaker tabled a report from the Canadian Human Rights Commission on pay equity. What will we do with that report? What have we done with the reports that are submitted to the Senate as required by the statutes that include the Senate? For example, we receive annually a report from the Commissioner on Official Languages. Today we received the report from the Canadian Human Rights Commission. We receive a report from the Privacy Commissioner. Recently, at the request of the opposition in the Senate, we did examine the report of the Privacy Commissioner in Committee of the Whole. That was an excellent initiative. The Standing Joint Committee on Official Languages, which has its own problems, nevertheless does receive the report of the Commissioner of Official Languages.

Unfortunately, these examinations are more the exception than the rule. Most reports are not subjected to debate in this house, and that, honourable senators, is our failure.

Bill S-8 seeks to amend those statutes that omit reporting to the Senate, such as to have the given reporting obligation responsive to the Senate and not just to the House of Commons. I agree with this. However, I hasten to add that we will need to improve our record of dealing with these additional reports, given our less-than-vigilant performance with the reports we already receive.

It is important that members of our chamber accept responsibility for the state of affairs created by the current array of statutes that exclude the Senate, for each one of those statutes only became law with the consent of the Senate. If we want to predicate blame for the Senate's exclusion, we need not look beyond the doors of this chamber. Did these laws that exclude a Senate supervisory role result from a failure of this chamber to examine the given bill carefully when it was before us? Indeed, I often wonder myself, if I were to submit myself to an examination of conscience, how well have I read many of the bills that appear before this house. How many have I read from cover to cover? Honourable senators, does this failure flow from blind obedience to the ministry? We have all heard ministers who plead that their bill just must pass the Senate without amendment even though it excludes a Senate supervisory provision.

• (1520)

Honourable senators will recall that we heard the view of Minister Stéphane Dion when he appeared before the special

committee studying Bill C-20. The minister defended the exclusion of the Senate from the final determination of the clarity of a referendum question. His argument was that the Senate had already abdicated its constitutional responsibility in some 27 statutes because the Senate passed them and gave a role to the House of Commons but no role to itself.

Honourable senators, we were masters of the situation that Senator Joyal's bill seeks to correct. It is precisely this death by 1,000 cuts that Bill S-8 seeks to prevent, and I intend to support it. It will amend those 27 pieces of legislation that currently exclude the Senate from carrying out its responsibility of oversight in our Canadian parliamentary system.

Over the continual objections of this chamber, the government persists in bringing forward legislation that excludes the Senate. Just this past June, the government introduced sweeping changes to the Bank Act, and lo and behold the Senate was absent in that legislation. Our colleague Senator Kolber, in a stinging rebuke, reminded the government of our bicameral system of governance. While I have not looked at the new incarnation, I am sure honourable senators will be looking at it very carefully in this regard.

Some observers have been particularly concerned with this weakening of parliamentary supervision in terms of a new culture that seems to have established roots in this town: the dominance of the unelected officials who work in the Langevin Block in the Prime Minister's Office. The role of the members of the House of Commons has, according to many observers, diminished significantly over the past few years in terms of oversight of the spending authority and oversight of the bureaucracy. The role of the cabinet is not what it once was — the centre for executive policy formulation and execution. Consider the views of observers such as my academic colleague Professor Donald Savoie and his well-known metaphor of the federal cabinet and a focus group.

Honourable senators, with the dominance of the unelected appointees in the PMO over executive policy and the influence of their tentacles reaching throughout the public administration, the need for ensuring parliamentary supervision has never been greater than it is today in Canada. In recent years, a culture of unresponsiveness and unaccountability has taken root in Ottawa, and Senator Joyal's bill provides an important mechanism to change the situation. The exclusion of the Senate from the many pieces of legislation that require a statutory reporting to the House of Commons must be remedied to be also inclusive of the Senate.

Honourable senators, an examination of the debates of the House of Commons and its committees will not indicate much oversight by that other house. Let us be clear: Ensuring that the Senate is treated equally in all legislation is not an issue of competition with the other place, but rather the aim is to reaffirm the critical and legitimate role of Parliament as a whole to provide supervision of the executive. That is what is at stake here.

Parliamentary supervision of the executive, which has been ensured through a series of checks and balances involving the two Houses of Parliament, is at the very heart of our Westminster model of governance. Such supervision should never be undervalued, as it is primarily what separates a democracy from a dictatorship. It has been successfully here in Canada our system of governance for 134 years. To that extent, Canadians now seem to take it for granted. In fact, the term "supervision of the executive" is not one that often appears outside the covers of political science texts or is often heard outside of lecture halls. I am sometimes astonished that it is not common phraseology to be found in the public scripts of our print or other media.

Supervision of the executive is important and not to be confused with controlling the executive. Simply put, it means holding the executive accountable to the people. Canada's Prime Minister and cabinet have traditionally been held accountable to the people for their actions by two Houses of Parliament that are equal in almost all respects. This supervisory role is accomplished by a variety of mechanisms exercised in both the Senate and the House of Commons. The legislative process is a key example. It allows opposition parties to critique government policy initiatives and to introduce policy alternatives into public debate.

Another example is parliamentary committees, and this is why the discussion in this house about the nature of our committees, format, structure and *modus operandi* is such a critically important matter. Some casual observers might wonder why we spend so much time trying to reform our committee structure. The answer is that it is at the core of our system of review and supervision. Senate committees, in particular, have earned a reputation for doing fine work, and in many cases they are even called upon to correct errors or omissions in legislation that were not caught by committees in the other place. We can all think of many examples.

Another technique that is available when Parliament is working the way it ought in terms of supervision is the daily Question Period in both Houses, and that is perhaps the most readily recognized accountability mechanism. As well, private member's legislation gives those who are not part of the executive an opportunity to participate in policy development. The party system itself places pressure upon the executive to involve members of the governing party in government initiatives in order to retain their allegiance. Perhaps that is not fully understood by Canadians. In my judgment, this places an awesome responsibility upon our friends opposite as a parliamentary grouping.

The list goes on, honourable senators, extending well beyond the parliamentary precincts through investigations led, among others, by offices such as the Auditor General and through the activities of special interest groups, et cetera. Consider the Auditor General. What good is the Auditor General's report if it is not debated and studied in each of the Houses?

Honourable senators, in terms of the development of parliamentary supervision of the executive, I do not think we will see a lot of development in the short term. I do not expect that we

shall see it any time soon. However, I would hope that we would not be discouraged from taking some steps forward, and I see a realistic and practical opportunity afforded by Senator Joyal's bill.

• (1530)

It is an opportunity for us to remind ourselves, honourable senators, that in the follow-up we must look at these studies and reports that are submitted by statutory requirement. I am prepared to recognize that it is debatable that the capacity of a government to govern might be impaired if the political ascendancy of the executive were too severely eroded by parliamentary assertiveness. The executive government of the day should be able to command the political support needed to preserve the national interest in a constantly changing world. Indeed, the challenges today are no doubt those presented by the ambitions of the emerging corporate states — corporations that recognize no geographical boundaries, that exist to serve their shareholders' interests, and that command economies and economic resources greater than those available to many nation states. Of course, a powerful executive government that falls captive to an adverse corporate influence would itself be a schism to the national interest.

In conclusion, honourable senators, I believe we should seize this opportunity that is presented by Senator Joyal's bill to make these necessary amendments and ensure that we will do the follow-up. This is an excellent opportunity for the Senate to play a major contemporary role of supervision in the Canadian parliamentary system of the 21st century. In this regard, I believe we should congratulate Senator Joyal for presenting a bill that affords us the opportunity to reflect on the role of the Senate some 134 years since its establishment.

Honourable senators, I underscore my belief that the Fathers of Confederation got it right in 1867; that is, that the model of governance, this Canadian parliamentary system, has worked and that the practice of freedom has enjoyed a grand success in Canada for 134 years. I worry about those who wish to reform our system of governance, for their idealized reform system comes with no guarantee for freedom.

The Hon. the Speaker: Honourable senators, I regret to advise that Senator Kinsella's time has expired. Is leave granted to extend the time?

Hon. Senators: Agreed.

Senator Kinsella: Honourable senators, I would request two more minutes.

Indeed, when I listen to the reformers speak of the return of capital punishment and other right-wing issues, I would clearly prefer our system that has delivered on freedom.

Honourable senators, we can make our system work better. The model has worked, but the machinery of state might need some adjusting. One area in which the Senate could undertake a major functional change for the betterment of governance is by significantly improving the supervisory role of the Senate.

Hon. Jeremiah S. Grafstein: Honourable senators, I am delighted with Senator Kinsella's support of this measure. The honourable senator, like myself, has a concern with respect to Senate or parliamentary oversight of the executive and parliamentary oversight of each House. Blackstone put it very well in saying that the tripartite system of government was based on a system of checks and balances, where each House was to check the executive and, in turn, each House was to check each other. We have not seen much of that. This bill raises that question, and the honourable senator has put it in an even and narrower way.

Would the honourable senator be in favour of a provision, either a rule or, in effect, a piece of legislation, that would make it mandatory that all reports of the various agencies of government be referred to the relevant committees for consideration within a given period of time?

In this new session, it is my estimate that over 90 reports have been tabled here, and, as Senator Kinsella points out quite rightly, they just disappear with no oversight — no constitutional, legislative or parliamentary oversight. Would the honourable senator agree that it would be appropriate to follow up this measure, if it were approved here, with a further measure that would seek to remedy the problem raised?

Senator Kinsella: Honourable senators, I thank Senator Grafstein for that question. Yes, I would support such an initiative. One would need to work out the detail, but we need the principle. I believe we were given the opportunity to zero in on that need, and there would be a major contribution made by this house should we do that.

Hon. Jean-Robert Gauthier: Honourable senators, I wish to ask a question of Senator Kinsella. The honourable senator spoke about the need for Parliament's oversight or accountability, and also about the Auditor General tabling a report in the other place. We seldom receive that report in the Senate because the law is made that way right now. Until 1993, the Auditor General tabled only one big report a year, read it in the House of Commons for approximately a day and a half and made a wonderful media case, but it did not have any substance or follow-up.

Honourable senators, it is still the law that the House of Commons names the Auditor General. We do not have a word to say as to who will be appointed. The selection of a new Auditor General will soon take place because the present one, Mr. Desautels, must resign after 10 years in office.

Does the Honourable Senator Kinsella know why the Senate is excluded from the good accountability measure of having the Auditor General table four reports a year, as he is allowed to do now? Does Senator Kinsella have any reason to believe that the Senate cannot study those documents, cannot look at them, because they must be considered as expenditures?

Senator Kinsella: Honourable senators, I thank the honourable senator for that question. As to the appointment of the Auditor General, I would need to review that legislation. I simply do not remember how that appointment is made. However, the report of the Auditor General is submitted by the

Auditor General to both Houses, and the Speaker formally tables the report of the Auditor General.

As far as this house is concerned, it seems to me that the next step is the vehicle that we wish to use to have the Auditor General's reports taken into consideration. The report could be considered in Committee of the Whole, which worked quite well with the Privacy Commissioner on two occasions in the last Parliament, or the report could be referred to the Standing Senate Committee on National Finance. We are arguing that the work of these various officers of Parliament, or other agencies, should be reported to both Houses. Those reports are not receiving the fullness of their worth unless they are subjected to analysis by the respective Houses. For those who reflect upon the future of this chamber, given the problems with the method of selection, I should think that there would be much support across this country and much understanding of the importance of a second chamber in a country such as ours if we were to concentrate on the supervisory function.

• (1540)

Hon. Anne C. Cools: Honourable senators, I listened to the exchange between Senators Kinsella and Gauthier. As Senator Kinsella spoke, I was reminded of the unique position that the Auditor General occupies. It is clear that the Auditor General is the servant of the House of Commons. However, it is not as clear that he is the servant of the Senate, even though the Auditor General is an officer of Parliament. Thus, it is a unique and special situation.

What I was wanting to lend support to is the notion that Senator Kinsella raised, which is the need for parliamentary superintendence. The honourable senator called it supervision. However, the word used to describe it is not particularly important. The honourable senator raised the whole phenomenon of parliamentary superintendence over the business of cabinet and the business of government. I share the concern that he and many here have expressed, that being that the notion of responsible government is becoming a thing of the past in Canada. It is sort of a historical relic to which some people refer once in a while. From the point of view of an active constitutional doctrine that functions on a daily basis, it has been disappearing.

To add to what Senator Kinsella was saying, perhaps he could also add his voice of support to the Senate being a little more aggressive in the superintendence of many more aspects of government. To that extent, I thank him.

Senator Kinsella: Honourable senators, I concur.

Hon. Wilfred P. Moore: Honourable senators, I wish to join the debate respecting Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.

First, I wish to commend Senator Joyal for introducing this bill and for the detailed work he undertook in preparing it. I also wish to recognize the efforts of Senators Beaudoin, Grafstein and Kinsella, all of whom have spoken on this matter.

The technical aspects of this bill and its constitutionality have been spoken of by senators more learned in those areas than I. Hence, my remarks will focus on actions that I have observed and words that I have heard and read, particularly during the Thirty-sixth Parliament.

In the last Parliament, activities were undertaken and words were spoken respecting the Senate by some members of the House of Commons from all parties. They called for various actions, including the abolition of the Senate, changes to its membership process and changes to its makeup. Others still have indulged in empty rhetoric about the Senate. Any one of those things is possible, of course, by a required appropriate amendment to our Constitution. Until such a change occurs, the Senate as enshrined in our Constitution is here, is functioning very well and deserves recognition in that regard.

Some activities and words of members of the House of Commons were not only uncomplimentary to the Senate but were misleading in their incompleteness. In their utterances, those members of the House of Commons did not tell Canadians that the Senate is one of the two equal Houses that make up our Parliament. They did not tell Canadians that the Senate is first and foremost a legislative chamber. They did not tell Canadians that the Senate is a chamber of last resort, where committees will hear Canadians and pay the travel expenses of those Canadians in order to have the benefit of their valued opinions. They did not tell Canadians that, like members of the House of Commons, senators, too, are parliamentarians.

It is one thing for the Senate to be a whipping boy for a hoped-for personal gain by those members of the House of Commons who participate in such activities and utterances; however, it is quite another for such activities and utterances to present only part of the picture. To make incomplete or misleading statements does a disservice to all Canadians, thereby giving them an incomplete picture of how Canada is governed and confusing them as to who is a parliamentarian. No doubt the continuous use of the abbreviation "MP" adds to that confusion. Like all my Senate colleagues, I am a member of Parliament, an MP. To be absolutely fair, perhaps those members of the House of Commons did not know that.

I am particularly concerned that students at all levels of education in Canada be not confused or misinformed about the makeup of Parliament and that they be fully knowledgeable about how our country is governed, including the important role of the Senate in that constitutional responsibility.

There is a particular concern that arises from this rhetoric. The worst thing of all is that the members of the House of Commons pretend that institutional reform is easy, as if the Prime Minister could amend the Constitution with a stroke of his pen. That illusion creates unrealistic expectations, expectations that are unfulfilled and that feed public cynicism about politicians generally. Not only do those members of the House of Commons do harm to the Senate, they unwittingly do harm to themselves.

Bill S-8 is important because it serves to remind us of constitutional facts. It upholds an important principle, the equality of the two Houses, which is essential to each of them for the discharge of their respective constitutional duties and which is essential to the smooth functioning of Parliament as a whole.

This bill gives recognition to the equality of both chambers and to the ongoing need for all to be vigilant, to ensure that the principle of equality is maintained and effective. I give my hearty support to this bill.

On motion of Senator Cools, debate adjourned.

ROYAL ASSENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. John Lynch-Staunton (Leader of the Opposition) moved the second reading of Bill S-13, respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament.—(*Honourable Senator Lynch-Staunton*).

He said: Honourable senators, at the last meeting of the Standing Senate Committee on Privileges, Standing Rules and Orders in the last Parliament, which was the Wednesday before the Thursday Parliament was dissolved, the members of the committee agreed to report this bill to the Senate. Because I thought it would fall off the Order Paper in any event, I said that it would save time and expense if we just let it sit in the committee and that I would bring it back in the new Parliament, which is what I am doing now.

There is nothing more I can add to the purpose of this bill that has not been said before. The purpose of Bill S-13 is not to abolish the traditional ceremony of Royal Assent as we know it but to provide for an alternative form of Royal Assent under circumstances that might make it difficult for the traditional Royal Assent to take place, such as emergency legislation when it might be difficult to find those responsible to have the ceremony take place.

If there is no further debate on this bill, I would ask, therefore, that it bill be returned to the committee where it was last seen.

Hon. Jeremiah S. Grafstein: Honourable senators, senators on both sides know my position with respect to the suggestions proposed in this bill. I have no objection whatsoever to renovating the Royal Assent ceremony and the role of Her Majesty's representative in this chamber — none whatsoever.

My difference with the Leader of the Opposition is that I hope that by having this discussion and referring it to committee we could end up with a Royal Assent that would heighten the visibility of this chamber, heighten the visibility of the role of all senators and, perhaps, call upon our colleagues in the other place, including Her Majesty's representative, to take a more forceful and active role in Royal Assent, which is again one of the three important parts of all legislation.

• (1550)

Therefore, I concur with Senator Lynch-Staunton that we should refer the matter yet again to committee. As the honourable senator will know, I shall once again table my proposed amendments. They are only proposed amendments, with a view to obtaining the views of members of the Rules Committee on how we can achieve the objective that I think we all desire, that being a heightened visibility of the role and credibility of this chamber.

On motion of Senator Cools, debate adjourned.

SIR JOHN A. MACDONALD DAY AND SIR WILFRID LAURIER DAY BILL

SECOND READING

Hon. John Lynch-Staunton (Leader of the Opposition) moved the second reading of Bill S-14, respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day.—(*Honourable Senator Lynch-Staunton*).

He said: Honourable senators, in the last Parliament, Senator Grimard introduced a bill urging that Sir John A. Macdonald be recognized with a national day. I sensed, as he did, that proposing that for a Conservative prime minister gave the proposal a partisan tinge that was not intended. To offset that, I later proposed a similar bill to honour Sir Wilfrid Laurier. Parliament was dissolved before the two bills were dealt with. Therefore, in an effort to emphasize the non-partisanship with which these two suggestions should be considered, they have been merged into one bill. The bill before you now proposes a day to honour Sir John A. Macdonald and a day to honour Sir Wilfrid Laurier.

I need not talk in this chamber of the extraordinary contributions made by both men, one to the creation of this country and to its initial stages of advancement and the second to further the process of maturity. Both faced extraordinary difficulties. The social makeup of this country was split largely between French and English and Catholic and non-Catholic, and the tensions between the two were extraordinary. The provinces had yet to adjust to the new system of federation. It is not an exaggeration to say that, had it not been for the persistence of these two men under difficult circumstances in the initial period of this country, Canada today would be totally different than it currently is.

This bill does not ask for the declaration of a national holiday. It simply says that these two men should be recognized by having a day in honour of each of them, so that in February Canadians can become more familiar with the senior Father of Confederation and in November can become more familiar with the first Prime Minister from Quebec, whose commitment to national unity was quite extraordinary and is still inspiring today.

There are those who have suggested that we should have a "Prime Ministers' Day." Coincidentally, yesterday was Presidents' Day in the United States, a national holiday. The

Americans also honour Washington, Lincoln and other great men and women in their history — more recently, Martin Luther King. Not all of them have holidays in their honour, but they all have special days because they deserve that special honour to remind Americans of their contributions to their country. Similarly, the purpose of this bill is to honour two extraordinary individuals for the same reasons on their birth dates.

Through Mr. Harvey Haber, President of the Sir John A. Macdonald Foundation Inc., I learned that January 11 may not be the actual birth date of Sir John A. Macdonald but rather January 10. The birth records in Scotland indicate January 10. When John came to this country at the age of five, his father Hugh recorded his birthday as January 11.

These are minor considerations in the appreciation of this bill. Should the bill be referred to committee, necessary corrections can be made there. Meanwhile, I urge honourable senators to support the bill and I look forward to hearing any comments on this bill that members of this chamber may wish to make.

Hon. Jeremiah S. Grafstein: Honourable senators, I commend Senator Lynch-Staunton for bringing this matter before us again. I had extensive discussions with Senator Grimard when he brought forward a bill proposing a Sir John A. Macdonald Day. The bill has now been changed to include Sir Wilfrid Laurier, which is, I think, fair and appropriate in the circumstances. Too often, we neglect great Canadians who are both symbolic and historic figures, denying ourselves and our children a better sense of Canadian history.

I agree with this bill in principle. However, as the honourable senator will recall, I also was the one who suggested that perhaps we might have a day commemorating Parliament and the prime minister — the prime minister being secondary to Parliament, because, under our system of government, the prime minister is accountable to Parliament.

I hope that all these issues will be discussed afresh in committee and I have no objection to referring the bill, upon second reading, to the Rules Committee for an extensive and historic discussion on this very momentous piece of legislation.

Hon. Anne C. Cools: Honourable senators, I have always been very interested in Sir John A. Macdonald, for many reasons, the first being that he was a brilliant man. Sir John A. Macdonald's second wife was a Jamaican. Perhaps in the proposed committee study there will be an opportunity to explore that part of Sir John A.'s connection to the British Caribbean. We must remember that at the time that Sir John A. was in power this part of the world was referred to as British North America. I believe his wife's name was Agnes Bernard, although I am not positive of that. Some senators may be thinking that she was black, but she was a white Jamaican.

Sir John A. Macdonald was an amazing man. Of the 72 Quebec resolutions during Confederation, I believe that he personally authored 44.

In the committee study, will we learn some information about Lady Agnes?

Senator Lynch-Staunton: Honourable senators, perhaps I should admit to a conflict of interest. On my grandmother's side, I can trace my ancestry back to Jamaica, too. Although you may not like this part, they were sugar plantation owners; the part I do not like is they all went broke after the abolition of slavery.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Lynch-Staunton, bill referred to the Standing Committee on Social Affairs, Science and Technology.

• (1600)

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Lorna Milne moved the second reading of Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (census records).—(*Honourable Senator Milne*).

She said: Honourable senators, I was pleased to hear the immediate discussion we have had on genealogy in this chamber because the purpose of Bill S-12 is to allow for the timely public release of the post-1901 census records to allow genealogists to pursue their interests.

This bill is intended to make reasonable and workable amendments to both the Statistics Act and the National Archives of Canada Act, to allow for the transfer of census records from Statistics Canada to the National Archives of Canada, where the records will be released to the public, subject to the Privacy Act.

In the last Parliament, I introduced this same bill. During second reading stage, it attracted the attention of the Honourable Senators Fraser, Johnson, Taylor and DeWare, before it was referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Following my introduction of this bill, there was an identical bill, as well as a private member's motion, introduced in the other place, both of which were intended to get exactly the same results as Bill S-12.

The issue of census release is gaining more urgency as time passes. Access to census data remains an essential part of historical research in Canada. David Havegood of the Galton Institute said at a recent conference in London that the development of the family pedigree, so familiar to all genealogists, including Senator Lynch-Staunton, is "the most commonly used tool in medical genetics." Thus, I am proud to speak to the second reading of Bill S-12 today.

I believe this bill achieves an acceptable compromise between the concerns and goals expressed to me by the various interest

groups involved — Statistics Canada, the National Archives of Canada, the Privacy Commissioner of Canada, genealogists, historians, medical research and the Canadian public.

I do not want to bore the Senate by repeating everything I have said here on several occasions on this subject. Since that time, however, several things have happened.

Early last summer, the Expert Panel on Access to Historical Census Records reported to the Minister of Industry. In their report, released in December 2000, they responded to many of the concerns raised when this bill was first introduced in the previous Parliament. The panel recommended to the minister the following:

Our fundamental recommendation is simply that census records should be publicly released through the National Archives 92 years after a census is taken. The means by which the release of historic census records can be achieved varies with the historical period in which the census was and will be taken.

The expert panel further stated:

The Panel is firmly convinced of the benefits of the release of historical census records. The Panel is of the view that with the passage of time, the privacy implications of the release of the information diminishes and that the passage of 92 years is sufficient to deal with such concerns. We are persuaded that a guarantee of perpetual confidentiality was not intended to apply to the census. We believe that the indication of transfer to the National Archives also implied an intention that the census records would eventually become public and we would not view any legislation deemed necessary to do so as a breaking of a promise to respondents. We view the historic and international precedents as fully supportive of this position. The Panel is equally convinced of the value of the census and other work of Statistics Canada and is unwilling to make any recommendation which it believes will jeopardize this work. It is for that reason that we recommend release of the pre-1918 Census records and the post-2001 records on a 92-year cycle...

The expert panel, by the way, consisted of the following individuals: our former colleague the Honourable Lorna Marsden; Professor John McCamus of Osgoode Law School, York University; the Honourable Gérard LaForest, former Justice of the Supreme Court of Canada; Chad Gaffield, Director of the Institute of Canadian Studies at the University of Ottawa. The panel was chaired by Richard Van Loon, President of Carleton University.

Honourable senators, I should like to briefly outline the bill and demonstrate how it is legislatively compatible with the report of this expert panel.

Clause 1 of the bill makes amendments to the Statistics Act by adding a new section after section 21. Under this proposed new section, Statistics Canada would conserve the records while they are in the care of the department.

In addition to ensuring the conservation of these records, the bill requires the Chief Statistician to obtain the consent of the National Archivist of Canada before administering the destruction or disposal of any census records, including individual census returns, and ensures that this can only be carried out once all of the information has been transferred on to another recording medium. This proposed section also details when the transfer from Statistics Canada to the National Archives of Canada should occur, first, for population censuses taken under section 19 and agricultural censuses taken under section 20 and, second, all the population and agricultural census data taken prior to 1971.

Bill S-12 recommends that the transfer to the National Archives occur 30 calendar years following when the census was taken but leaves the window open for the transfer to take place sooner if the two departments are in agreement. For the pre-1971 records, the transfer is to occur before the expiration of two years after this proposed section comes into force, or at an earlier time agreed upon by the two departments. This is consistent with section 6 of the National Archives of Canada Act.

Once the records are transferred to the care and control of the National Archivist, the Chief Statistician will no longer be responsible for those records. The information contained in the records and the release of the census records would then fall solely under the responsibility of the National Archives of Canada and the National Archivist.

Therefore, the second part of this bill amends section 7 of the National Archives of Canada Act.

Under Bill S-12, proposed section 7.1 would recognize the permanent historic and archival importance of census records, and thus the necessity to ensure the security of the permanence of these records through specifically prohibiting the transfer, destruction or disposal of the records unless all of the information is saved on an alternative recording media.

Proposed section 7.2 would recognize the promise of confidentiality. Once the records are in the control of the National Archivist, prior to 92 years after the census has been taken, the archivist could only disclose the information in the records to the Chief Statistician of Canada and persons authorized by order of the Chief Statistician under subsection 17(2) of the Statistics Act, or as authorized by this proposed section. After the 92 calendar years have elapsed since the census was originally taken, the National Archivist would provide public access to the records of the census. This does not touch any provision already providing access to the information under the Statistics Act prior to 92 years since the taking of the census. The access provided by the National Archivist after 92 calendar years would be subject to such reasonable terms and conditions as the archivist may establish that are consistent with the purposes of the National Archives Act.

• (1610)

The last addition that Bill S-12 makes to the National Archives of Canada Act would implement an objection process whereby the National Archivist would accept written objections from

individuals who wish the information they submitted during the course of the census to remain confidential. The archivist will receive these written objections in the final year before the information would otherwise be released. Bill S-12 sets a number of requirements for those written objections. In addition to when it should be submitted, the objection must contain sufficient information for the archivist to be able to locate the information and would have to satisfy the National Archivist that the disclosure of that personal information would constitute an unwarranted invasion of the privacy of the person to whom it relates. If these requirements are satisfied, the archivist would not allow the disclosure of that personal information referred to in such a valid objection.

When 92 calendar years since the census was taken have elapsed, the archivist will make public all census records of individuals recorded in the census who have not made a valid objection to the archivist and who would, therefore, be deemed to have given irrevocable consent to public access to this information in the census.

Honourable senators, virtually every civilized nation in the world retains census data and makes it available to the historic researchers once a reasonable period of time has elapsed, including such privacy-focused and litigious countries as the United States of America, which released its 1910 census to the public in 1982. Even in the home province of the minister presently responsible for the census, all the census results up to and including the 1945 census are now open to the public and have been for half a century. These records are of vital importance for Canadians not only for reasons pertaining to family history but also for medical, demographic and historic reasons.

Since the release of the report of the expert panel, I am more convinced than ever that Bill S-12 strikes a good balance between all of the issues considered around the census release. I hope that no Canadian will be deprived of this vital personal data that belongs not only to the state but also to that particular Canadian.

Honourable senators, this issue will not go away. Presently, census committees have been set up in almost every province and territory that is hard at work lobbying politicians and — I heard from one of them today — rapidly gaining increased support.

I want to give all credit for this surge in public support to Mrs. Muriel Davidson of Brampton and her multilingual Canada Census Committee, to Gordon Watts of Port Coquitlam, B.C., to Donald Nisbet of Surrey, B.C., and to the many fine minds who are presently researching this matter and writing to me.

Today, I presented petitions signed by 363 Canadians. In the last year, I have presented petitions in this place signed by over 1,800 Canadians. In the other place, petitions signed by well over 6,000 people have been presented so far. I repeat, this matter will not go away.

Honourable senators, I look forward to your support.

Hon. Sheila Finestone: Honourable senators, the honourable senator makes a very interesting and persuasive case. I have an interest in and a serious concern regarding privacy rights. Could the honourable senator define what, exactly, would be found in a census record? To what extent would a census record expose my life, my history, my financial accounts, my illegitimate and my legitimate children, et cetera? Could the honourable senator please inform me as to what information is contained in the census records?

Senator Milne: The honourable senator's question does make me curious. However, the questions contained in the Canadian census have remained the same basically from the time it was instituted in 1861, when the first fairly complete census record was taken in Canada. The questions remained the same through to 1901 — and those records have already been released with no adverse reaction whatsoever — and to 1906, the first year of the Western census, right through until after the Second World War. The census asked questions of a personal nature — who you were, your name, the number of children you had, and the names and ages of your children.

Senator Finestone: What about questions concerning finance?

Senator Milne: No, the finance part of the census usually came through in the agricultural census, when Canadians were asked the value of their crops, how many acres of grain they had produced in the last year and what it was worth.

Questions regarding finances were not part of the census. The questions remained the same until after the 1951 census. Ninety-two years after 1951 would bring us to 2043. Therefore, until the year 2043, we do not have to worry about a lot of personal information being released when the census results are being released. Between now and then, I am sure there will be many changes in various laws about privacy, so I am not terribly concerned about after 2043. I am concerned about getting the historic censuses that now exist into the public domain, where I believe they should be and where it was always intended that they should be, and where the same instructions that tell the census takers they cannot run down the street and tell your neighbours everything about you also told them to make sure that their writing was clear and distinct because these records were to be deposited in the Public Archives of Canada, eventually for all to see. It was the clear intent at the time that these records would always eventually be made public.

Senator Finestone: I have two supplementary questions. First, what happened or what changes took place after 1951 in the nature of the census information?

Second, I was Vice Chair of the Standing Committee on Communications and Culture in the other place in about 1985-86, when there was serious damage to the National Archives Building. We became aware of the need for repair and the need for a new storage facility for all these wonderful archival materials. Many of these handwritten documents, which are magnificent to look at, are to be found there. I saw

documents from the 1840s and 1850s. At that time, I do not recall seeing anything that was more personal than your name, your address, your number of children, the names of your children or the quality of the cattle that you owned. Frankly, with everything that is happening today, I think there is more protection of cattle than there is of people.

I do not recall seeing anything that was of serious concern, such as the distribution of your financial estate or the relationship within your family. There are serious concerns, honourable senators, about what information we are releasing and whether it should be made anonymous. Removing or making that information anonymous would meet the criteria of the right to privacy, which was promised.

The honourable senator has stated that it was said that the census documents were there to be made public. I am not familiar with that phrase nor that approach. I would like to be further sensitized and better informed, and perhaps we could do that in committee.

When you are presenting a creative approach such as this to honourable senators, it is important to indicate the content of the census on the public record so that we can allay the fears of many people about the historic record and what will become part of the public record under a census report.

• (1620)

Senator Milne: Honourable senators, to answer the first of the two questions, sometime after 1951, Statistics Canada went to the use of an individual form for the first time, rather than writing down consecutively in the same book the names of each member of a household. Because they went to individual forms, future research on any name through the census became remarkably difficult.

That was the main change after 1951, along with the fact that, yes, they did begin to ask more intrusive questions. They asked those questions in order to sell the results, I believe, to the public. Statistics Canada is in the marketing business. Now they are selling aggregate results; they are not selling individual results.

Forty years from now, that usage will become a concern to researchers. I agree with the honourable senator on that point. For the questions up until then, I am quite prepared to document every single census question in those intervening years. We can discuss this fully in committee and let senators know that the questions then were not intrusive, were not invasive and had not changed.

The 1901 questions have already been released; they were pretty well identical to the 1911 census questions. There was no change.

There was no change in the law between those two years. Why was the 1901 census released with no problems and no concerns, but, all of a sudden, the 1911 census cannot be released? This I do not understand.

The honourable senator makes a point about the promised right of privacy. That promise is a myth. A right of privacy was never promised. Good brains all across this country have been researching this question for the past three or four years, and they have yet to find any evidence of a right of privacy promised to the people by the Laurier government.

Three or four days ago, a demand for access to information was made to the government. That demand must be answered within 30 days. The demand is for proof that the government promised this privacy. It will be very interesting to see if they can come up with the promise because, so far, no one has been able to come up with it. It is a myth.

Hon. John G. Bryden: Honourable senators, I should like to make a short comment and then ask a question of Senator Milne.

As I listened to the honourable senator's statement and the exchange that followed, I thought about the valuable role of this chamber in addressing some of the things we have been discussing, issues that are significant and important to the fabric of Canada and to understanding Canada's past, its present and its future. Such hugely significant questions can consume the time of this chamber and properly so, but those same questions would likely not find a champion or champions in the other place because there is no necessity of X dollars required to plant the crop in April, for example. It is extremely important that honourable senators take the opportunity to delve to great depth and with great consideration into this area.

I have one other comment on the reference to privacy that Senator Finestone raised. It probably is true that there was no commitment to privacy. When I was attending law school — and all the lawyers here and elsewhere may correct me — I understood that there was no concept of a right to privacy under the common law under which we functioned. That is why we have developed acts dealing with privacy. There was no inherent right to privacy at common law in Great Britain or its colonies. Senator Grafstein is looking at me. Nevertheless, it is worth seeking out that commitment because chances are pretty good that privacy was not one of our inherent rights.

The honourable senator referred to appeals being made to prevent the release of some information. The chief archivist is to make the decision after having heard all arguments. I have not looked at the act, but is there any appeal of the decision of the chief archivist? If not, then I take it that recourse would be through the normal court system. Is there any board to which appeals may be taken?

Senator Milne: Honourable senators, Senator Bryden is quite right that British common law contains no such idea as a right to privacy. Unless it is specified, privacy does not exist. In this case, the original act was silent; therefore, privacy does not exist. The bill does state that the archivist shall not disclose any personal information after receiving a valid written objection regarding that information.

No, I have not provided within this bill for any form of appeal. Presumably, it would be very difficult to find someone who wanted to appeal because, if one person objects out of 30 million people in Canada, it is pretty hard to let everyone know that one particular person has objected to their information being released.

Hon. Jeremiah S. Grafstein: Honourable senators, forgive me; I did not hear the fulsome debate. I just heard the former Chairman of the Standing Senate Committee on Legal and Constitutional Affairs suggest to the Senate that there is not under common law a right to privacy. I will not debate that issue today, but certainly we are called upon to at least review the question.

The only instant recall I could give would be the extensive treatise by Mr. Justice Brandice about the right to privacy. That article was written, I believe, in the 1920s or perhaps the 1930s. It was an extensive review of the origins of privacy. I will bring that article back to the Senate, but I did not want to sit and listen to these comments by our colleagues without at least saying that the issue is worth exploring, as the honourable senators have suggested.

Senator Milne: Honourable senators, I believe that I said that there is no inherent right to privacy.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could Senator Milne explain the difference between the right to privacy and the inherent right to privacy?

Senator Milne: At this point, I would resign.

On motion of Senator DeWare, for Senator Murray, debate adjourned.

[Translation]

• (1630)

THE SENATE

MOTION TO CHANGE RULES REGARDING STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Corbin:

That rule 86(1) of the *Rules of the Senate* be amended:

1. by deleting paragraph (e);
2. by adding immediately after paragraph (g) the following new paragraph:

"The Senate Committee on Official Languages, composed of seven members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages."; and

3. by relettering the paragraphs accordingly.

That, notwithstanding Rule 85(3), the Senate membership on the Standing Joint Committee on Official Languages lapse; and

That a Message be sent to the House of Commons acquainting that House thereof.

Hon. Gerald J. Comeau: Honourable senators, it was my intention to support Senator Gauthier's motion calling on the Standing Committee on Privileges, Standing Rules and Orders to examine this motion concerning the creation of a standing Senate committee on official languages.

However, the notice of motion moved earlier today seems to ignore this proposal. It instead calls for the creation of new committees, the standing committee on defence and security, and the standing committee on human rights. Since Senator Gauthier's arguments are very valid, I am sorry to see that the government side appears to have rejected his proposal.

I do not, however, wish to minimize the importance of these two new committees but, for some of us, official languages are also important. I therefore move a motion in amendment to the motion moved by Senator Gauthier, which would read as follows:

[English]

MOTION IN AMENDMENT

Hon. Gerald J. Comeau: Honourable senators, I move, seconded by the Honourable Senator Oliver, that the following be inserted after the word "That":

"the Standing Committee on Privilege, Standing Rules and Orders examine the following proposal:

That".

[Translation]

As it appears in the first line of Senator Gauthier's motion.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the amendment to the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Senators: Agreed.

Motion, as amended, agreed to.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have now completed the Order Paper. Senator Cools has given oral notice of a question of privilege, which was circulated in writing by the Clerk of the Senate.

Hon. Anne C. Cools: Honourable senators, earlier today, as we know, I had given notice that I would raise a question of privilege in respect of the scheduling of committee meetings. I had based that question on the well-established fact of parliamentary privilege, which is that the Senate and its committees have a right to the attendance of its members and, conversely, that a senator has the right to attend the Senate and its committees. Attendance is one of the oldest and most important privileges. After all, it is deemed that the Senate has a right to its members' attendance and service. The attendance of senators is an absolute privilege and is protected by immunity.

My question arose out of two notices from committees, both of which I am a member. The notices arrived in my office indicating that the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Senate Committee on National Finance were both scheduled to meet on Wednesday, February 21, 2001, at 3:30 p.m., or when the Senate rises. The Legal and Constitutional Affairs Committee regularly meets at 3:30 p.m., so there was no problem with that. However, the National Finance Committee regularly meets at 5:45 p.m. Thus, the committee that was subjected to the time change was the National Finance Committee.

My question of privilege related to arbitrariness in rescheduling, and I was intending to seek a ruling from the Speaker. However, events have overtaken my question today to the extent that my concern has been resolved to the satisfaction of both senators' privilege to attend Senate committees and my personal privileges.

The Hon. the Speaker: I have listened carefully. Is Senator Cools withdrawing her question of privilege?

Senator Cools: Honourable senators, I would be happy to tell His Honour what I am doing, if I could finish.

I was saying that I now have in my hands a new notice from the Standing Senate Committee on National Finance indicating that on Wednesday, February 21, 2001, that committee will meet 45 minutes after the Senate rises, and that satisfies my concerns. In that regard, I should like to thank Honourable Senators Carstairs, Robichaud, Murray and Finnerty.

Although my particular problem has been resolved, there may be other problems in the same vein. I am not quite sure how to proceed with that issue.

Honourable senators, the question that I am raising has been resolved to my satisfaction.

The Hon. the Speaker: Senator Cools, privilege is one of the most serious matters that can be raised in the chamber. Before going to other senators, my understanding is that you have resolved any issue that you had in terms of whether your privileges have been affected in a way that you think should be drawn to the attention of all honourable senators and dealt with by a motion or reference to committee or by request for a ruling by the Chair.

Under our rules, as I understand them, a matter of privilege affecting any senator is the responsibility of all senators. Do I understand that you are not now raising a matter of privilege affecting your privileges, but rather a hypothetical question of other senators' privileges or actual senators' privileges?

• (1640)

Senator Cools: No, I am not raising a hypothetical question at all. I am raising the important phenomenon that is contained in the summons that all honourable senators receive as they are called to the Senate and that is signed by the Governor General, which says in part:

AND WE do command you that all difficulties and excuses whatsoever laying aside, you be and appear, for the purposes aforesaid, in the Senate of Canada at all times whensoever and wheresoever Our Parliament may be in Canada convoked and holden, and this you are in no wise to omit.

Essentially, I am saying that my personal encounter has been resolved but that there is still a problem in the scheduling of these committee meetings. I was just told a few minutes ago that there are several other committee meetings that are overlapping and there are several conflicts. However, I am saying as well that we are compelled by the *Rules of the Senate of Canada* to defend privileges. That is all.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have three points. First, the question of privilege, of which we were given notice and raised after the Orders of the Day concluded, speaks to the privileges of the house, not only one senator. The substantive issue is that senators have an obstacle placed directly in front of them if they are duly assigned by the Senate as a member of two or three committees and those committees are meeting at the same time. Notice has been given that tomorrow afternoon the Standing Senate Committee on Social Affairs, Science and Technology, the Standing Senate Committee on National Finance, the Standing Senate Committee on Legal and Constitutional Affairs, and the

Standing Senate Committee on Banking, Trade and Commerce are all meeting at 3:30.

I take it that Senator Cools had a problem because she is on the Standing Senate Committee on National Finance and the Standing Senate Committee on Legal and Constitutional Affairs. The honourable senator's problem apparently has been resolved through discussions with the Leader of the Government in the Senate. I do not understand why the Leader of the Government in the Senate determines when the committees meet. I do not find that in the rules. Be that as it may, the problem we have in terms of the privilege question is a question for all honourable senators.

We can resolve the matter simply by having a short discussion now, and it may not even need to be referred any further. I believe that what all honourable senators are placing on the record is that in order for us not to have a breach of parliamentary privilege occur, we cannot have committees meeting at the same time when members of those committees are duly appointed by the Senate. Tomorrow afternoon, for example, based upon the notices received this afternoon, Senator Kirby must be at the meetings of the Social Affairs Committee and the National Finance Committee. Senator Hervieux-Payette must be at the meetings of the National Finance Committee and the Banking, Trade and Commerce Committee. There are three senators whose privileges would have been interrupted.

I believe the problem can be obviated by a more careful examination of the membership on committees by the clerks. I would hasten to add that in dealing with issues of privilege there is a distinction between a privilege of Parliament and a claim of a personal privilege by an individual. In the House of Lords — and this house of course flows from that house — the privileges of peerage basically have disappeared and what is left is privilege of Parliament. The criteria of the privilege of Parliament are well laid out in the standing orders of the House of Lords, and interference with attending committees is quite clearly articulated on page 213.

This problem should have been resolved, either for Senator Cools or for other honourable senators, by a little more attentiveness on the part of the clerks to see that committees are not scheduled at a time when conflicts occur. From the standpoint of the opposition, it is an important point to be raised and, one would hope, resolved simply by placing it on the record.

Senator Cools: Honourable senators, I am satisfied that there is no need to place this matter before His Honour for any further consideration. I am satisfied that the leadership has acted at my instance and that the situation is properly resolved. I am satisfied with what Senator Kinsella has said, which is essentially that the fact of raising the matter should go a long way to the resolution of that other set of problems.

The Hon. the Speaker: Thank you, honourable senators. I take it that the request for consideration of a matter of privilege is no longer being pursued and that the matter has been aired under the properly given notice of Senator Cools.

HISTORICAL IMPORTANCE OF PROCLAIMING FEBRUARY BLACK HISTORY MONTH

INQUIRY—DEBATE ADJOURNED

Hon. Donald H. Oliver rose pursuant to notice of February 6, 2001:

That he will call the attention of the Senate to the historical importance to Canadians of February being proclaimed Black History Month.

He said: Honourable senators, it is a privilege for me to stand to speak to this important issue. I should like to begin by recalling a crime that occurred in the United States in June of 1998. The crime involved three white boys who chained a black man by the ankles to the back of their truck and dragged him to his death. The black man's name was James Byrd. Mr. Byrd was dragged for five kilometres along a country road. He died brutally. His skin was ripped from his body. His right arm, neck and, finally, his whole head were torn off. James Byrd's final agonizing moments on earth went unrecorded. They were lost amid the din of racing motors, burning tires, beer and good old boy laughter.

James Byrd was a quiet man. He was a family man. He was a brother, an uncle and a son. Suddenly he was dead, torn and ripped to pieces, dumped in a ditch on the side of a rural east Texas highway.

The picture I have just painted for you is not a pretty one. Racism rarely is. I mention it because what happened that day in Texas cuts right to the bone of what I believe Black History Month is all about.

Black History Month is more than just a celebration of black culture and the contribution of black people to our nation. It is a yearly reminder that our quest for equality and respect is still far from over. It is a string around our collective fingers telling us to keep up the fight against racism, to continue exposing false and pernicious stereotypes, and to persist in doing everything in our power to forge a relationship of real equality with white people.

Black History Month is also, or at least should be, a period of reflection. We should all be asking ourselves the following question: What can I do to improve the condition of black people, indeed, all visible minorities, here in Canada and around the world?

Honourable senators, we can all agree that the sad events in Texas should never have happened. There are laws against dragging people to death, there are legal codes and there are moral laws as well, or so I thought.

• (1650)

The sad truth is that the law can only do so much. It can control behaviour, but what about attitudes? What can the law do

to control these? The answer is, very little. The attitudes that lead people to commit crimes like dragging an innocent man to his death really can only be changed through education and the elimination of ignorance and fear.

How do we do this? We do it through concerted, positive, tenacious and unrelenting effort. If we want to rid our society of the ignorance and fear that led to racism, we have to get out into that society. We have to participate. We have to militate for change. We have to inform and enlighten our friends, colleagues, neighbours and fellow citizens. We have to refuse to be marginalized. In a word, we have to demand that we be allowed to enjoy our rightful place as citizens.

Honourable senators, I grew up in a small rural town in Nova Scotia. My father was a janitor at a local university — Acadia University. Wolfville was like most of Nova Scotia at the time. In fact, it resembled pretty well all of Canada. It was almost all white, with a few pockets of blacks and other visible minorities scattered here and there on the periphery.

Diversity was not a common word in those days. In most people's eyes, Canada was a nation of white, English-speaking, God-fearing people, a sort of *American Graffiti* with snow. Racism was a fact of life for blacks everywhere, particularly in Nova Scotia. People are often surprised when I tell them this. They do not know that it was not just in Mississippi and Alabama where black people were isolated, exploited and harassed, where they were called "niggers" and worse, and where they were routinely denied basic human rights and services.

Honourable senators, let me offer you but one small example, of which I have hundreds. When I was 20, I decided to take my family — mother, father, sisters — to Halifax to celebrate an important family event by eating out in a great Nova Scotia restaurant. My family and I were all dressed in our Sunday best. After the ceremonies at Acadia University were over, we got in the family car and drove 60 miles to Halifax where we stopped at a restaurant for a meal. We waited and waited. Gradually, those around us were all served. We waited still longer. Finally, the manager approached us and, in very simple terms that I remember clearly to this day, said, "We don't serve niggers here."

In the years since my graduation from Acadia, the palette of Canada's citizenry has taken on new hues. To the once omnipresent white have been added new shades of black, brown, red and yellow. In short, our mosaic has changed. It has become more diverse.

Canada's increasing diversity is excellent news for everyone. Diversity promotes tolerance. It leads to greater openness of spirit; it increases understanding and awareness; and it fosters compassion. As well, diversity enhances economic development and opportunity, and it helps promote equality and social peace. Our diversity is good for Canada.

An article in *Silicon Valley North* in July said *inter alia* the following:

Canada is engaged in two complex games: developing a learning and growing a knowledge economy. Both games are being played at the local and global level, and Canada may have an unconscious competitive advantage in both games.

Referring to the higher-level societal game, John Ralston Saul recently told the Canadian Distinctiveness into the 21st Century Conference at the University of Ottawa that Canadians are adept at encompassing the best elements of other cultures without compromising their own. This is the least European country in the world and the most American country in North America. It is a sign of great self-confidence that we can live with this complexity.

That same week, the Round Table on Diversity, Learning and Creativity, chaired by Assistant Deputy Minister Norman Moyer, heard that fostering innovation is a comparative advantage in the economic gain. In a knowledge-based economy, diversity can be viewed as a major resource. It is a potent source of new ideas, attitudes, visions, perspectives, challenges and opportunities. A society that has learned to accommodate — and even flourish — in the midst of diversity has already taken a giant step toward developing the kind of learning environment that leads to innovation.

As John Ralston Saul reminded us:

So just possibly they are right to build on their diversity. With our proximity to the great economic attractor, a winning strategy will no doubt involve intentionally building a learning society based on our cultural diversity and inclusiveness. Diversity is a good ecological measure of vitality and resilience.

Hence, in our diversity is our strength.

As I look around me today, honourable senators, I see Caribana festivals, Sikhs in turbans, and houses built on the principles of feng shui. These things are good. They are positive contributions to our evolution as people and a society. They have helped us break down many of the barriers of distrust and fear that once allowed gross ignorance and prejudice to flourish. People have begun to realize that different does not mean bad or evil, but just different.

Of course, not everything is perfect. It never is. Racism remains. Opposition to change still exists. Some of our country's most important institutions continue to drag their feet in the task of building a diverse, modern and representative workforce.

Consider the Parliament of Canada, honourable senators. Take a look around you, or consider institutions such as the Public

Service of Canada. For the past 20 years, the Public Service has been studying the issue of visible minority representation. When it began, there were almost no black people in the Public Service of Canada. In fact, there were almost no non-whites of any kind. Today, in spite of all the talk and the hard work of many well-intentioned people, the situation remains far from ideal. One can count on the fingers of one's hand the number of visible minorities in positions of real influence and power in the entire Public Service of Canada.

Yet, honourable senators, I still have hope. I had the privilege of working with Mel Cappe, the Clerk of the Privy Council, to assist in a very modest way with recommendations designed to overcome some systemic barriers. Twenty years ago, or even ten years ago, even this could not have happened.

The failure of the Public Service to diversify has many causes. Obviously, racism is a factor, and probably a major one, but there are other reasons as well. The quasi absence of visible minorities in our popular culture is another one that comes quickly to mind.

Look around you today, honourable senators. How many black university presidents do you see or do you know of? How many black CEOs of major corporations do you know? How many black TV anchors do you see? How many shows about black Canadian families can you watch? How many visible minority politicians do you know?

There are no visible minorities in any of our national symbols. No national monument of which I am aware is dedicated to the memory and works of visible minorities.

As a result, our presence and contribution to Canadian society remains largely unknown and ignored. We have no national presence; therefore, we have little influence. With little influence, our power to effect change is diminished. We play little part in making decisions that affect us.

If we take our rightful place as citizens in this country, we will have to push harder for change. We will have to push constantly, vigorously and single-mindedly. A tolerant and accepting society will not just happen. We have to make it happen. Diversity will not just one day be there. We have to put it there.

In Nova Scotia, a great number of dedicated black people have devoted enormous amounts of energy to achieving this very goal — people like actor Walter Borden, poets like Maxine Tynes and David Woods, novelist Fred Ward and filmmaker Sylvia Hamilton. Each of these talented men and women has worked hard to dispel the many myths and stereotypes that surround and restrict black people. In the process, they have made white people aware of the black community and of the importance and desirability of building a tolerant and diverse society.

One Nova Scotian who has been particularly active in this regard is George Elliot Clark. A poet, author, filmmaker and educator, Clark has spent his entire life exploring and publicizing the culture and heritage of black Nova Scotia. The importance of George Elliot Clark's work is that it brings the black experience to national attention. Through his works, increasing numbers of people in the white community are starting to become aware of the reality of black Canada. Clark, of course, is not alone. There are many others who deserve equal recognition, including people like Austin Clarke and Dany Laferrière.

• (1700)

Intellectuals like George Clark are important because they get people to think about blacks. They put black people on our collective Canadian mental map. They educate white people to the importance and worth of black history and black culture. They are the vanguard of a diverse society, the shock troops of the Canada our children will inherit.

Let me give you an example of what I mean. Most people think that the French Revolution started with the storming of the Bastille in 1789. In actual fact, the revolution started years before, among the artists and intellectuals of France. As the excesses of the old regime grew, the people of France became increasingly unhappy with the status quo. However, this unhappiness had no outlet and no amplifier. This is where the poets, playwrights and writers came in. They were the ones who synthesised and publicized the peoples' unhappiness. They spread the word. They articulated the desire for change that was nowhere reflected in official culture. All of this took place long before the people marched to the barricades. Hence, when the Bastille was stormed, there was already a public consensus in favour of it.

The same process is at work here in Canada. George Clark, Dany Laferrière and the rest of the black intelligentsia are bringing the thoughts and desires of black people to the common conscience. They are providing a venue through which our common desire for change can be expressed. White people are beginning to learn more about us. They are learning of our desire for a diverse society where we are all accepted, where we all work and live together.

In closing, honourable senators, let me just give you a little bit of vintage Clark that was penned a week or so ago about Black History Month. Mr. Clark stated the following:

African Heritage Month is a redemptive celebration, a time for Westerners to honour the contributions of so-called Negroes to the project of (Western) human civilization, from "whenever" to 2001 (Xian calendar). It is just to focus on heroes and heroines, the achievers, the geniuses, the rich and the famous: They provide fleshed-out examples of how (diasporic) Africans have overcome — and will always overcome — snares, pitfalls and obstacles.

But what about the victimized and the destroyed, the hunted-down and the falsely-accused, the wrongly-jailed

and the wrongly-executed? Is there a room in our collective historical memory for those who strove and failed, and for those who were violently prevented from progressing, from movin' on up?

Sometimes, I know, it's better not to remember.

However, let me say this. Like the laws in Texas, these people cannot do it all. We have a part to play. It is up to all of us here in the Senate to help spread the idea that diversity is important and desirable.

I often, and thankfully so, have occasion to speak to groups of young people. I like to talk to them about the importance of diversity. I tell them of a diverse society and a dynamic society. It is a society that looks to the future, one that uses all of its potential. It is a place where cooperation is based on talent, achievement and potential are more important than skin colour, community of birth or the old boys' network.

In order to participate in and profit from such a society, I tell them to seize all of the opportunities presented to them. I say to them: "Study hard. Work hard. Get as much education as you can. Always strive to better yourself. Never accept defeat. Take your rightful place in society." It is my hope that they are listening to me, because, you see, if we are to forge a diverse society, then we must be ready to play our part. We are the ones pushing to change the status quo, so we must be willing to go the extra mile. It can be done. With hard work and faith, I believe anything is possible.

Honourable senators, I urge all of you here today to participate in the task of building a truly diverse society for the sake of our children and the people of Canada.

On motion of Senator Cools, debate adjourned.

THE NATIONAL ANTHEM

INQUIRY—DEBATE ADJOURNED

Hon. Vivienne Poy rose pursuant to notice of February 6, 2001:

That she will call the attention of the Senate to the national anthem.

She said: Honourable senators, I wish to draw your attention to an omission, a grave omission, in our national anthem — an anthem that serves as a potent symbol of our devotion to Canada.

Unfortunately, the wording in it currently excludes more than half of the citizens of this country. I refer, of course, to the third line in the English version, which reads as follows: "true patriot love in all thy sons command." For those of you who would argue that language is of little importance, just imagine the reaction if the anthem were written to read as follows: "in all thy daughters command."

Undeniably, the national anthem is an important symbol that is part of our collective heritage. In fact, the English version of the national anthem is based on wording that dates back to 1908. It was Robert Stanley Weir, a judge in the city of Montreal, who penned the phrase "in all thy sons command" in honour of the three hundredth anniversary of the founding of Quebec City. The Weir version was later published in official form for the diamond jubilee of Confederation in 1927 and gained widespread acceptance among English-speaking Canadians.

Weir reflected the times in which he lived. In writing "in all thy sons command," he described the gender relations that existed in 1908. Even though women had agitated for suffrage at the end of the 19th century, they did not have the right to vote at that time. They were primarily homemakers and mothers, and, with the exception of the poor, they did not participate in the workplace.

Women were not involved in politics or in the defence of the country and they expected their husbands and sons to represent their public interests. In this sense, Weir's wording appropriately described the significance of "sons" in such a patriarchal society. However, the suffrage movement of the early 20th century put Canadian women on the path to change. Women were granted the right to vote in federal elections on May 24, 1918. In 1921, Agnes Macphail became the first woman member of Parliament. As we are all aware, in the Persons case in 1929, women were declared eligible for appointment to the Senate. In the following year, Cairine Wilson became the first woman appointed as a senator.

Between 1908 and the 1960s, the feminist movement made great strides in Canada, but women were still largely excluded from positions of authority, both in the public and the private sectors. As such, in the late 1960s, when a special joint committee of the Senate and the House of Commons once again considered the English version of the national anthem, it recommended changes to a number of words but did not seem perturbed by the phrase "in all thy sons command."

Since that time, I think we would all agree that gender relations in our country have been significantly altered. Women are gaining more equitable roles in relation to men in society. As of 1999, about 60 per cent of Canadian women work outside of the home, making up almost 50 per cent of the total labour force.

Today's women are more educated than ever before. As the result of our education and societal change, we are increasingly occupying professional positions in both traditional and non-traditional occupations.

Today, women are active members of the Armed Forces. In the political realm, women now make up a third of the Senate and one-fifth of the House of Commons.

In 1980, when Bill C-36, the National Anthem Act, was discussed in Parliament, it was noted in the debates that the wording did not accurately reflect the reality of Canadian society. On June 27, 1980, when Bill C-36 passed through the other place, the Senate and received Royal Assent the same day, there were misgivings expressed about its passage.

• (1710)

However, the uncertainty created by the referendum in Quebec in May 1980 led to a desire to assert our patriotism and shore up our national symbols. While it was widely felt that there was a need for an official anthem, assent for the National Anthem Act was obtained with the understanding that the lyrics would be subject to further scrutiny and modifications by a committee. The debates indicated that members of Parliament and senators shelved whatever amendments and concerns they may have had about the bill on the assumption that changes would follow shortly after the bill's passage.

Unfortunately, the national anthem as passed remained unchanged, despite much controversy over its wording. The words "thy sons" have been the primary focus of debate.

Bill C-247 is the first attempt to amend those words in the national anthem and was introduced in the other place in June 1984. That was followed by Bill C-243 in June 1985, Bill C-251 in October 1985, Bill C-232 in October 1986, Bill C-439 in 1993 and Bill C-264 in 1994.

Although the suggested wording varied, the intent of the members did not. Each bill proposed a change to the words "thy sons" in the national anthem to something more equitable for the daughters of Canada. Each document in its turn has been shelved and forgotten.

The members of Parliament who tabled these bills were not acting alone. They were acting as representatives of their constituents who had petitioned them to bring about change. Often it was school teachers who approached them because their female students felt left out of the national anthem.

Today's young women are not aware of a time when women and men did not have equal opportunities. Should they be taught that this is a part of our heritage we wish to retain, as is suggested by some in the parliamentary debates?

In 1982, two years after the national anthem became official, the Canadian Charter of Rights and Freedoms came into effect. This document, which is fundamental to our understanding of ourselves as a nation, ensures the equality of men and women. Whether or not one regards the reference to "thy sons" as implying male superiority, elimination of these words is more consistent with the idea of gender equality as defined in the Charter.

Canadian women have an equal desire to command true patriot love for our country and to share in our national pride. It is not political correctness, as some might argue. After all, language is a reflection of society's values. We once used words to describe other races, which we would now shun as disrespectful and insulting. We once had words for the disabled, which we now recognize as discriminatory. Many words have changed in common usage because they imply that women do not participate fully in our society. Both the private and public sectors have taken measures to eliminate sexist language. Now Parliament must play its part.

Honourable senators, we would likely all agree that words are important. After all, it is the words of the national anthem that make us glow with pride as we stand at attention when it is being played. However, many women I have spoken to cannot sing our national anthem with pride. Their tongues trip over the third line and they grow silent.

The national anthem not only represents our own aspirations as a nation; it also defines Canada in the world. As it is played at official events overseas, such as the Olympic Games, it provides a vision of Canada to others. As such, other nations could be forgiven for assuming from the lyrics that, despite the evidence to the contrary, Canada remains a patriarchal country.

In recognition of the progress women have made throughout the last century, many of us attended the historic unveiling of the Famous Five monument here on Parliament Hill last October. The occasion was significant because women's status in Canada as an equal partner was finally acknowledged officially.

As the Prime Minister so eloquently expressed in his speech at that ceremony, women are now involved in every aspect of Canadian life, but unfortunately our national anthem does not reflect this reality.

As we approach March 8, International Women's Day, I would argue that Parliament should not forget the contributions women have made to the growth of our nation, nor can we afford to ignore the daughters of tomorrow. We have an obligation as legislators to both acknowledge and celebrate the accomplishments of Canadian women through both practical and symbolic measures.

It has been over 90 years since Robert Stanley Weir first penned the words "in all thy sons command." In the new millennium, which offers unprecedented opportunities to the daughters of Canada, it is incongruous that women are excluded in our national anthem. As senators, I think it is our obligation to rectify the situation.

Honourable senators, let us join together to send a clear message to Canadians and to other nations of the world that Canada respects gender equality by changing the wording of the national anthem to more closely reflect the reality of our country.

On motion of Senator Pépin, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, February 21, 2001

THE HONOURABLE DAN HAYS
SPEAKER

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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, February 21, 2001

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

FRANCO-CANADIAN GIRL GUIDES

Hon. Lucie Pépin: Honourable senators, as an honorary member of les Guides franco-canadiennes, Ottawa district, I am proud to rise today to salute the members of this movement in Ottawa and across the country. Since tomorrow, February 22, is the birthday of both Lord Robert Baden-Powell and his wife, Lady Olave Baden-Powell, Chief World Guide, the founders of the movement, it is important to draw attention to the work and devotion of the guides in our communities.

I should like to particularly highlight the Franco-Canadian girl guide movement, Les Guides franco-canadiennes, and its influence across this country. The mission of this movement is to help francophone girls develop their full potential, intellectual, physical and social, in order to become responsible citizens and accomplished individuals with local, national and international commitment.

In 1999, I had the pleasure of taking part in the 50th anniversary celebrations of les Guides franco-canadiennes, Ottawa district. It was a great pleasure to see all those francophone girls and women of the movement celebrating the event together.

This week I encourage parents and young people to take part in the activities organized by the guides in their region. Guides throughout the world will be honouring the memory of their founders tomorrow, February 22, on World Thinking Day. Let us join with them to celebrate their joy and especially their commitment to their communities.

[English]

DEMOCRATIC PEOPLE'S REPUBLIC OF NORTH KOREA

ANNOUNCEMENT OF ESTABLISHMENT OF FULL DIPLOMATIC RELATIONS

Hon. Lois M. Wilson: Honourable senators, I want to express my support and satisfaction with the Canadian government's February 6 announcement of the establishment of full diplomatic relations with the Democratic People's Republic of Korea. I was

surprised at the lack of comments by both media and parliamentarians on this important event.

Canada can, through close engagement with that state, influence it to honour the legal implications of the Anti-Ballistic Missile Treaty, lessen the perceived threat of missile strike and helped to nullify the need of the NMD by the U.S.A. Canadians have clout because of our food program there, and I hope we use it. I have every expectation that Canada will use its new relationship not only to generate substantial developments in humanitarian programs but to work with both North and South Korea toward the non-proliferation of nuclear weapons, lasting peace and human security on the Korean peninsula.

The republic is posed to open an embassy in Ottawa soon. Canada has designated its embassy in Beijing to handle affairs with the DPRK. Ten countries, including Canada, have established diplomatic relationships with the DPRK since 1998. We welcome this heretofore isolated country into the international community and look forward to people exchanges at every level. Hopefully, this contact could include a parliamentary exchange, following up on the dialogue in 1990, which was intensified by the attendance of Canadian parliamentarians at the Inter-Parliamentary Union meeting in Pyongyang in 1991.

PRINCE EDWARD ISLAND

RECENT ACCOMPLISHMENTS OF CITIZENS

Hon. Catherine S. Callbeck: Honourable senators, I rise today with great pride to speak briefly about the recent accomplishments of some of my fellow Prince Edward Islanders.

Canada's smallest province has been revealing to the entire country that its residents possess a variety of great talents. Recently, as part of Winterlude, thousands of people made the journey to Parliament Hill to view the magnificent snow sculptures created by the most talented snow sculptors in Canada. Honourable senators, I am pleased to report that the People's Choice Award for their favourite sculpture was the Prince Edward Island submission.

As such, I should like to recognize Bill and Cathy Gallant from my home village of Central Bedeque, and Ron Casey from Seven Mile Bay, Prince Edward Island, for their great work. They combined a lighthouse, Anne of Green Gables, a lobster and a bag of potatoes into a beautiful Island representation.

Golfing fans will no doubt be aware of my next observation. Recently, Island golfer Lori Kane won the Takefuji Classic golf tournament in Hawaii with a tournament record score. With three tournament victories last year, she was recently named Canada's best female athlete for 2000.

This wonderful ambassador for Prince Edward Island and Canada, with her ever-present smile and pleasant demeanour, has captured the hearts of all Canadians. Lori's success means that she no longer belongs solely to Islanders but, rather, to all Canadians.

However, at this time of year, most people are not thinking about golfing but about the popular winter sport of curling. Skip Suzanne Gaudet, mate Stephanie Richard, second stone Robyn MacPhee and lead Kelly Higgins from the Silverfox Curling Club in Summerside, Prince Edward Island, won the national junior women's curling championship last week in St. Catharines. These four women, along with their coach, Paul Power, now move on to represent their country at the World Junior Women's Curling Championships in Ogden, Utah, in March. I am sure I join all honourable senators in congratulating this young team for their remarkable performance and in wishing them all the best as they prepare to represent Canada next month.

• (1410)

Finally, honourable senators, I draw your attention to the Scott Tournament of Hearts, one of this nation's most prestigious and celebrated curling tournaments. As I stand in the Senate today, the Shelly Bradley team from Prince Edward Island sits atop the standings, leading teams from across the country. I wish them the best of luck in the remainder of the tournament.

Thank you, honourable senators, for allowing me the time to sing the praises of just a few of the recent noteworthy accomplishments of my fellow Islanders.

JUSTICE

AMENDMENTS TO LEGISLATION TO PROTECT AGAINST CAPITAL PUNISHMENT

Hon. Jeremiah S. Grafstein: Honourable senators, yesterday, Senators' Statements were made with respect to the debate in the Senate arising from Bill C-40, the Extradition Bill, and Bill C-4, the Civil International Space Station Agreement Implementation Bill and, in particular, the impact of the unanimous decision of the Supreme Court of Canada in *Burns and Rafay*, where the court inhibited the Minister of Justice's discretion to extradite these accused without first receiving assurances that the death penalty would not be imposed in a state where capital punishment was permissible.

To keep the Senate Hansard record on this particular parliamentary saga, honourable senators will recall that the criminal acts alleged against Mssrs Burns and Rafay, Canadian citizens, took place in an adjacent state, the State of Washington. Arguments were made here then that by supporting our amendments to Bill C-40 proposed in the Senate, Canada would become a safe haven.

Let me quote in part from a recent editorial in *The Seattle Times*, a leading newspaper in the State of Washington. The headline reads, "Accept Canada's will on death penalty." Here are the first two paragraphs:

Give the Canadian government the assurances it requires for two suspects in a brutal 1994 Bellevue, Wash., murder can be extradited to stand trial.

If the deal requires prosecutors not to seek the death penalty, so be it. A successful conviction that yielded a life sentence without the possibility of parole would be satisfactory.

This editorial concludes:

Meanwhile, Canadian authorities have stayed true to the prerogatives of citizenship found in the nation's Charter of Rights and Freedoms.

Now the case has reached an honourable impasse where a necessary concession by U.S. authorities will allow a trial to proceed. Take that step.

Let the accused stand trial; let a jury determine their fate.

Honourable senators, who could fail to agree with this editorial?

This editorial should encourage senators in their review of future legislation that is found to be incompatible with basic Canadian principles of justice.

THE LATE WILF SPOONER

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, I know Honour Wilf Spooner, former Mayor of Timmins, Ontario, affectionately known as Mr. Northern Ontario, started his political career in 1939 and went on to win five straight elections. Mr. Spooner was Mayor of Timmins from 1950 to 1955. It was in those formative years of my career that I confronted the office of Mayor Wilf Spooner.

I can recall being involved with the playgrounds for the children in the Town of Schumacher and was the manager of the minor baseball team. The championship was held at the Timmins park, and the mayor was to present the champions with the crest. However, after the game was over and we won the championship, there was no presentation, nor was the mayor present. The players of that team were very dejected and disappointed after the win.

I took positive action at that time and marched right to City Hall with nine ball players and demanded to see the mayor to get an explanation. The mayor was absent on an emergency mayor's trip to the south, but Acting Mayor Jacques Baleck apologized, went into the office of the mayor, came back and presented the players with the crests that were intended for the champions of that year. We went home contented, and the experience for me was like a Walt Disney movie.

Wilf Spooner moved into provincial politics in 1955 and held several portfolios as a member of the Ontario legislature to 1968 under the Conservative government of Premier John Robarts. When he was responsible for the Mines Ministry, he exported silicosis treatment programs and fought to eliminate the disease as an occupational hazard among Ontario miners, and when he was responsible for the Lands and Forests Ministry, he expanded the provincial park system throughout the provinces.

Growing up in Northern Ontario, we relied on men like Wilf Spooner. Mr. Spooner passed away a week ago today, at 92 years of age. God bless.

2001 WORLD UNIVERSITY WINTER GAMES

CONGRATULATIONS TO TEAM CANADA

Hon. Wilfred P. Moore: Honourable senators, I rise today to make a statement with respect to the 2001 World University Winter Games held last week in Zakopane, Poland. Team Canada's hockey team was comprised of players from the Atlantic Universities Hockey Conference. Following a practising camp of only three days, these student athletes travelled to Poland and competed in a tournament against teams representing nine other countries. I am delighted to report that Team Canada won the silver medal, the first medal won by Canada at those games. We salute Team Canada, their coach, Trevor Steinburg, their general manager, Chris Larsen, both of Saint Mary's University, and their support staff for the honour and pride that they brought home to Canada.

[Translation]

JUSTICE

CAPITAL PUNISHMENT—DISCRETIONARY POWERS OF MINISTER REGARDING EXTRADITION

Hon. Gérald-A. Beaudoin: Honourable senators, on February 15, the Supreme Court of Canada issued a ruling on the exercise of the discretionary power held by the Minister of Justice regarding extradition. In the *Burns* case, the Supreme Court ruled that the decision of the Minister of Justice to extradite two Canadian citizens accused of murder in the United States without asking for assurances that the death penalty would not be imposed violates the rights of these individuals to liberty and security, contravenes the principles of fundamental justice and is not justified under section 1 of the Charter.

Under subsection 25(1) of the Extradition Act, the Minister of Justice enjoys a discretionary power to order the extradition of an individual. That power has already been deemed constitutional. However, it is restricted by the Charter. In this case, the minister felt there was no need to ask for assurances that the death penalty would not be imposed.

The Supreme Court is of the opinion that the minister should have asked for assurances that the death penalty would not be imposed, first because the extradition order deprives Burns and Rafay of their rights to liberty and security in a manner that is not in compliance with the principles of fundamental justice, but more importantly because section 7 of the Charter deals not only with extradition but also with the potential consequences of that measure, in this case the death penalty. The court feels that obtaining assurances before ordering the extradition is compatible with section 6 of the extradition treaty between Canada and the United States, with the position held by Canada at the international level, and with the practice observed in similar countries, with the exception of American states, which continue to impose the death penalty. The court also noted that the risk of judicial error is an argument against extradition orders that do not include assurances that the death penalty will not be imposed.

The Standing Senate Committee on Legal and Constitutional Affairs once examined the constitutionality of the discretionary power of the Minister of Justice. A majority of us concluded that this power was constitutional. The Supreme Court is of the same opinion. Still, a minority of us would like to see this discretionary power eliminated. The interpretation made by the Supreme Court in the *Burns* case reconciles these two positions: The discretionary power exists and it is constitutional.

[English]

The Hon. the Speaker: Honourable Senator Beaudoin, I regret to inform you that your time has expired, and so has the time for Senators' Statements.

[Translation]

• (1420)

ROUTINE PROCEEDINGS

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—NOTICE OF MOTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Thursday, February 22, 2001, I will move:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated, commencing on this day.

[English]

CANADA TRANSPORTATION ACT

BILL TO AMEND—FIRST READING

Hon. Michael Kirby presented Bill S-19, to amend the Canada Transportation Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Kirby, bill placed on the Orders of the Day for consideration two days hence.

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

REPORT OF CANADIAN DELEGATION TO MEETING IN CAEN, FRANCE, TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 60, I have the honour to table in both official languages the report of the Canadian section of the Assemblée parlementaire de la Francophonie, as well as the financial report.

The report has to do with the meeting of the executive which was held in Caen, France, from December 13 to 15, 2000.

[English]

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

REPORT OF CANADIAN DELEGATION TO MEETING OF ASIA-PACIFIC PARLIAMENTARY FORUM IN VALPARAÍSO, CHILE, TABLED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have the honour to table the report of the delegation of the Canada-Japan Inter-Parliamentary Group to the ninth annual meeting of the Asia-Pacific Parliamentary Forum which was held in Valparaíso, Chile, from January 14 to 19, 2001.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— DIVISION OF PROCUREMENT COMPETITION

Hon. J. Michael Forrestall: Honourable senators, the Department of National Defence issued only one statement of

requirement for the Maritime helicopter project in August of 2000. Now the Department of National Defence is attempting to develop two requests for proposal. It should be obvious — at least it is to me — that the Department of National Defence and the Department of Public Works and Government Services were not advised that the Maritime helicopter project would be split four ways.

Can the minister tell us which of the members of cabinet either intervened or, in fact, interfered in this process to split the competition four ways? Why was it done above and over, thereby excluding those other departments that, as a rule — indeed, believe by policy — are to be consulted?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge, there has only been one letter of intention and that was, as Honourable Senator Forrestall has indicated, issued to the Department of Industry on August 22, 2000, asking eligible prime contractors to provide basic information and feedback. At this point the government is reviewing those responses. The next major step would be the posting of a draft request for a proposal on the DND Web site.

Senator Forrestall: Someone has been “brown-enveloping” the honourable senator’s office.

I appreciate the response of the Leader of the Government, but it is rather interesting that I have in my possession a document that states that the Department of National Defence never initiated the recommendations to split the Maritime helicopter project into four separate competitions, or to buy a basic lower-price compliant piece of equipment. We know that the project would never have moved forward from the department to cabinet unless all departments agreed.

Will the minister admit, or even agree, that the cabinet or cabinet ministers split the project into four separate competitions and disregarded departmental advice, or is she now telling us that there was never any intention, that I never heard anything, that I manufactured in my own mind the scenario of four separate contracts?

Senator Carstairs: I must tell the honourable senator that I know nothing of four separate contracts, nor do I know of any discussions that have taken place with respect to four separate contracts. Clearly, I am not in possession of the same documentation as Honourable Senator Forrestall. If the honourable senator will share his documentation with me, then I will try to get to the bottom of the matter.

Senator Forrestall: Honourable senators, if I am the only senator in this chamber, and the only Canadian, who has not heard of four separate contracts for the completion of the helicopter project, then I wish someone would tell me.

Senator Meighen: No one will.

Senator Forrestall: No one will because in fact it has been a matter of wide discussion for some 10 or 11 months now, in the newspapers, on television, among people. Is the minister now telling me that this is a figment of my imagination and those of several generals, not to mention a handful of admirals? Is it a figment of their imaginations, are they nuts, do they not know what they are talking about? Is that what the minister is saying to me?

Senator Carstairs: Honourable senators, certainly not. The honourable senator, I am sure, does not suffer from any figments of imagination. The bottom line is that I have no knowledge of what the honourable senator is talking about. If Senator Forrestall will not share with me the information that he clearly has, then I can only say to the honourable senator in good faith that I will inquire into the statements that he has made in the chamber this afternoon.

HERITAGE

MANAGEMENT PLAN FOR GROS MORNE NATIONAL PARK

Hon. Ethel Cochrane: Honourable senators, last June the Minister of Canadian Heritage appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources to discuss Bill C-27, a bill respecting the national parks of Canada. I asked the minister at that time when we could expect to see a management plan for Gros Morne National Park in Newfoundland. The minister said, "If you pass the bill tomorrow, you will see it by September."

Honourable senators, that indicates that the minister expected no more than a three-month delay after passage of the bill to produce a management plan. The bill was passed last October and we are now in the fourth month since that passage. Is the government now ready to table that management plan for Gros Morne National Park?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have not seen a management plan for the park but I will get in touch with the Honourable Sheila Copps and find out if there is a management plan; if there is not, when one will be ready, and if there is one, if I can make the plan available to the honourable senator as soon as possible.

• (1430)

FUNDING FOR MANAGEMENT PLANS OF NATIONAL PARKS

Hon. Ethel Cochrane: Honourable senators, I have a supplementary question for the minister. In that same appearance before the committee meeting last June the minister indicated that she expected to receive more funding for the national parks in the budget this February. Since there will not be a budget this month and the government has no plans to present a budget any time soon, can the Leader of the Government give us any

assurance that Gros Morne and other national parks will be given sufficient funding to carry out their management plans?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. I will ask the honourable minister whether she is expecting additional funds for management plans and whether that will have an additional impact on whether management of our parks will go forward as she indicated to the committee it should.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— PROBLEMS OF SURVEILLANCE AND ENFORCEMENT

Hon. Mira Spivak: Honourable senators, today's newspapers report that the Canadian Food Inspection Agency is now considering major changes in its animal feed policies to reduce the risk of mad cow disease. Some of those changes are ones suggested by the United Nations Food and Agricultural Organization that were spoken of here yesterday. I hope that the agency will act quickly.

There was, for example, a 17-month lapse between the date WHO experts recommended that all countries ban feeding cows the tissue of dead cattle or other ruminants and the date that Canada put that ban in place.

My question deals with the Canadian Food Inspection Agency. The recent Auditor General's report also found some serious problems. He said that the agency needs better information systems to support management decision making and that there are serious deficiencies in enforcement.

Can the Leader of the Government in the Senate tell us exactly what steps the agency is taking internally to address these problems, specifically with respect to Canada's BSE risk? It has been known for some time, not just through this report, that the CFIA has certain enforcement problems, in particular with rendering plants.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question. She is quite right that the Auditor General raised specific concerns about the Canadian Food Inspection Agency. However, the report indicated that the Auditor General was not in a position to appropriately review the food inspection programs based on risk due to certain difficulties. However, on its own the CFIA had initiated such a resource review in conjunction with the Treasury Board Secretariat.

The honourable senator has today shown increasing evidence that the Canadian Food Inspection Agency continues to remain vigilant in order to ensure that its food inspection, animal health and plant protection programs do make significant progress and introduce significant new initiatives.

Senator Spivak: Honourable senators, it would be very helpful to have specific information on the exact numbers and the steps taken by the Canadian Food Inspection Agency, apart from review.

Senator Carstairs: Honourable senators, any new regulations which pertain to the way in which the Canadian Food Inspection Agency does its work will be made available to all honourable senators.

PARLIAMENT

OFFICIAL CODE OF CONDUCT FOR MEMBERS AND SENATORS

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate and relates to a code of conduct for parliamentarians.

Canada is one of the few parliamentary democracies that has absolutely no code to provide guidance to parliamentarians on how to reconcile their private interests with their public duties. The honourable leader will know that I was co-chair of a special joint committee of the Senate and the House of Commons with Peter Milliken, now the Speaker of the House of Commons. In March 1997, we tabled our report containing a code for both Houses.

On page 4 of our report, under "Public Scrutiny," provision 4 states:

Parliamentarians shall perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law.

What steps will the Leader of the Government take to revive that important report of the special joint committee of both Houses of Parliament so that a code can be put in place for the benefit of parliamentarians and the people of Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have done some review of the report to which the Honourable Senator Oliver makes reference, the preparation of which he oversaw with the present Speaker of the House of Commons. My review of the report indicates that Senator Spivak was also a member of that committee.

However, there did not seem to be a great deal of consensus on the committee during its deliberations. Unfortunately, it appears that Reform members, now Alliance members, in particular were not convinced that this was the way to proceed. Perhaps they have changed their minds in the present Parliament, but back then, from my review of the testimony, they did not seem to be entirely in favour of such a code of conduct.

Unfortunately, as I understand it, the report was never given approval in either of the Houses of Parliament. Perhaps it is time to institute a new study in this area and to bring it before both Houses of Parliament.

Senator Oliver: Honourable senators, my question was: Precisely what steps would the honourable leader herself take to see that a report like that could be resuscitated?

As the honourable leader will know, the fifth stated purpose of the code of official conduct for members of both the Senate and the House of Commons was to foster consensus among parliamentarians by establishing common rules and by providing the means by which questions relating to proper conduct may be answered by an independent, non-partisan adviser.

Will the honourable leader advise this house what steps she would be prepared to take to ensure that we could put in place perhaps this year, an independent, non-partisan advisor to assist in the interpreting of a code, should one be reinstituted?

Senator Carstairs: The honourable senator has asked what steps I am prepared to take. I do not think it is appropriate for the Leader of the Government in the Senate to develop rules of conduct for all members of the Senate. I think it is up to the members of the Senate to determine what rules of conduct they would like to live by, or die by, as the case may be.

I do not intend to take any initiative in this matter, honourable senators. However, if honourable senators on both sides of the chamber would like to develop such an initiative, I would look forward to reading its recommendations and, if they had the support of the vast majority of this chamber, supporting them.

TREASURY BOARD

GOVERNOR GENERAL'S WARRANTS FOR PAY EQUITY PAYMENTS

Hon. Roch Bolduc: Honourable senators, I have a question for the Leader of the Government in the Senate which concerns Governor General's warrants.

Several of the special warrants involved pay equity payment. The warrants were needed for those departments in which funds set aside for pay equity were insufficient.

I am not questioning the principle of pay equity, although it is easier to define salary equity than equal work. However, I do wonder about the process through which the cheques were issued. Government employees received the second round of their pay equity cheques at various times last fall, about the time the government was running for re-election. I am told, for example, that eligible employees at the Library of Parliament received their cheques in early October and most others suddenly had their cheques by early December. The special warrant approving the extra cost was not passed until January 23 of this year. In other words, the warrants for these payments, which by law must be of an urgent nature, were not granted until after the cheques had been cashed.

Can the Leader of the Government assure the Senate that the government was acting within the Financial Administration Act when it issued those cheques?

• (1440)

Hon. Sharon Carstairs (Leader of the Government):

Honourable senators, I thank the honourable senator for his question. We must be clear about what section 30 of the Financial Administration Act provides when it indicates the use that can be made of Governor General special warrants.

Warrants must meet three conditions before they can be issued. The first condition is that Parliament must be dissolved for an election. We know that it certainly met that particular qualification. The second condition is: A payment is urgently required for the public good. I suppose that one is debatable. However, it is inherent upon governments to provide to their employees what is just and due and owing to them. I would consider that a necessary public good. Third: There is no other appropriation to which the payment can be made. In my view, the appropriation provisions as found in the Financial Administration Act were satisfied.

[Translation]

Senator Bolduc: Honourable senators, they first issued the cheques to the employees during the election campaign. Then, they decided that a Governor General's warrant was necessary, and it was provided on January 23. Is there not a bit much of a time lag between the two?

[English]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have two delayed answers: first, for Senator Spivak's question on February 8, 2001, regarding improvements to the Canadian Food Inspection Agency; and second, for Senator Oliver's question on February 7, 2001, regarding the post-secondary recruitment program.

CANADIAN FOOD INSPECTION AGENCY

RECRUITMENT EFFORTS TO INCREASE STAFF

(Response to question raised by Hon. Mira Spivak on February 8, 2001)

CFIA continues to improve its food inspection, animal health and plant protection programs and, as noted in the recent Auditor General's report, has made **significant progress** on many initiatives.

An example of this is the resource review that CFIA has conducted in conjunction with the Treasury Board Secretariat. This review will **evaluate all CFIA activities** to confirm whether they are **appropriately resourced**.

The **health and safety of Canadians** is CFIA's primary concern. Its inspection services for food safety and animal and plant health contribute to the safety of Canada's food supply.

CFIA is not involved in the promotion of the products. Markets are open to Canadian products around the world as a by-product of CFIA's work to **maintain Canada's excellent reputation** for food safety.

PUBLIC SERVICE COMMISSION

AUDITOR GENERAL'S REPORT—ADEQUACY OF POST-SECONDARY RECRUITMENT PROGRAM

(Response to questions raised by Hon. Donald H. Oliver on February 7, 2001)

QUESTION:

Why does the federal government only turn to post-secondary recruitment once a year, and why prospective students are not courted on a year round regular basis?

ANSWER:

— In fact, perspective recruits are courted by departments on a year round basis.

— The Post Secondary Recruitment Program is only one avenue for recruitment. Many departments use other avenues to reach out to skilled graduates.

— At the same time, the Government recognizes the need to be more aggressive and innovative in these outreach efforts.

— The Post Secondary Recruitment Program is currently being redesigned to enable flexible, adaptable year-round recruitment. This should be ready by this fall and job offers made to qualified graduates by December, 2001.

The government is committed to recruiting bright motivated young women and men to accept the challenge of serving their country in the federal public service, and to ensure that the Public Service is innovative, dynamic and reflective of the diversity of the country.

QUESTION:

The Public Service Commission states that in 1999-2000 there were almost 17,000 student applications for some 1,100 jobs, while the Auditor General points out that only 62 per cent of available jobs were filled in the previous year. What accounts for this disparity? Why did they not fill jobs if they had all those applications?

ANSWER:

– The government recognizes the need to rejuvenate the Public Service through recruitment, to ensure that the Public Service is innovative, dynamic and reflective of the diversity of the country – able to attract and develop the talent needed to serve Canadians in the 21st century.

– The government is creating a centre for demographic analysis and forecasting which will help departments better identify their recruitment needs, find targeted approaches to attracting the people they need with the skills to serve the knowledge economy.

– It is true that not all advertized jobs were filled using the Post-Secondary Recruitment Program last year. Departments can use other means to recruit graduates. At the same time the government recognizes the need to improve its recruitment practices.

– Improvements are being made to the Post-Secondary Recruitment Program, to make the program more effective and efficient both for students and managers: on line applications, year-round recruitment, inventories of qualified candidates, visibility on University campuses.

QUESTION OF PRIVILEGE**SELECTION OF THE LEADER OF THE OPPOSITION—
SPEAKER'S RULING**

The Hon. the Speaker: Honourable senators, before going to Orders of the Day I will give my ruling on the question of privilege raised by Senator St. Germain.

On February 6, Senator St. Germain filed a notice with the Clerk of the Senate of his intention to raise a question of privilege. This notification came within hours of my receiving a letter from Mr. Day, Member of Parliament, Leader of the Canadian Alliance and Leader of the Opposition in the House of Commons, advising me that he had nominated Senator St. Germain, the only Senate member of the party, to be the Leader of the Opposition in the Senate. For the information of honourable senators, I sent a reply to Mr. Day the same morning explaining how I thought the matter might be treated in the Senate.

[Translation]

At the appropriate time during the Routine of Business, Senator St. Germain provided the required oral notice and, at the conclusion of the Orders of the Day, he presented his case. In summary, the breach of privilege alleged by Senator St. Germain, as I understand it, is that he is entitled to the position and rank of

the Leader of the Opposition. A failure to recognize his claim to this position, he argued, is a denial of precedent and tradition. It also constitutes a breach of privilege because it prevents him from fulfilling all of his duties.

[English]

The substance of the presentation made by Senator St. Germain involves a complex set of issues. The senator began with an acknowledgement that the current situation is "so new and unusual that it begs for resolution." It is his contention that no Senate precedent exists to guide this house to properly identify the Leader of the Opposition. Senator St. Germain then made reference to rule 1 of the *Rules of the Senate* that sanctions recourse to the practices of other parliaments in all unprovided cases. Senator St. Germain then cited the British House of Lords and the Australian Senate as sources for guiding precedents. According to the senator, the practice in both Parliaments would appear to be that the political leadership in the lower house is mirrored in the upper house. That is to say, there is a direct correlation in the recognized leadership of the Official Opposition in the upper house with that of the lower house. Indeed, evidence would suggest that they are almost always of the same party affiliation, notwithstanding the relative numerical strength of party membership in the upper house.

[Translation]

Following this review of practices in the United Kingdom and Australia, Senator St. Germain continued with an assessment of what occurred here in the Senate in 1994. At the outset of the 35th Parliament, the party representing the official opposition in the House of Commons, the Bloc Québécois, had no membership in the Senate. The opposition in the Senate was provided by the Progressive Conservative Party. In the view of the senator, this outcome has no real bearing on the merits of the case he is making with respect to his alleged question of privilege and is not relevant as a precedent.

[English]

Finally, Senator St. Germain argued for the need to recognize as he put it, "the changing nature of Canada's political landscape." He urged the Senate to accept this reality, whatever the outcome of the ruling in this case. He also proposed that I, as Speaker, give "some strong direction regarding the resolution of this matter." In closing, the senator made additional references to the statutory authority of the Speaker of the British House of Commons to determine the official opposition when the question is in dispute. He then cited the example of the decision by Speaker Parent in the other place in 1996 to maintain the status of the Bloc Québécois as the official opposition on the basis of incumbency in view of the numerical equality between that party and the Reform Party. Before taking his seat, Senator St. Germain made mention of a document that he had already tabled explaining in greater detail the precedents he had noted in his presentation.

[Translation]

By way of rebuttal, Senator Robichaud, the Deputy Leader of the Government, contended that no *prima facie* case had been made to support the allegation of a breach of privilege by Senator St. Germain. The Deputy Leader of the Government denied the senator's claim to the title of Leader of the Opposition based exclusively on the status of the Canadian Alliance as the Official opposition in the House of Commons. Senator Robichaud went on to refute the notion that the failure to recognize Senator St. Germain as Leader of the Opposition impairs his ability to function as a senator and is therefore a breach of parliamentary privilege.

[English]

In explaining his position, Senator Robichaud noted that Senator St. Germain's ability to participate in various activities — moving motions or amendments, soliciting information in Question Period, speaking during Senators' Statements, and attending committee meetings — is the same as that of any other senator. Senator Robichaud went on to state that Senator St. Germain enjoys the benefits of office space, a global budget and access to parliamentary documents and a research fund just like any other senator.

With respect to the issue of who recognizes the Leader of the Opposition as defined in rule 4(d)(i), the Deputy Leader explained that it is the Senate itself that determines the meaning of its own rules. After acknowledging what he described as a long-standing practice to recognize, as the opposition, the party of the greatest number that is not the government, Senator Robichaud agreed that it was perhaps time to review the Senate's internal organization and the manner in which parties are recognized. The senator concluded his intervention by suggesting that the Standing Senate Committee on Privileges, Standing Rules and Orders study this question.

[Translation]

Senator Prud'homme then spoke to the question of the alleged breach of privilege. He proposed that I as Speaker take the necessary time to review this important question carefully. I want all honourable senators to know that I have taken this advice seriously. I believe that the issue raised in the question of privilege of Senator St. Germain is very important. In the days since it was first brought up, I have reviewed closely the arguments presented as well as the document that was tabled. I have also studied the relevant precedents of our Parliament as well as those of other Westminster-style Parliaments. I am now prepared to give my decision.

[English]

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In making my ruling, I want to address three interrelated issues: the question of privilege raised by Senator St. Germain,

the role of the Speaker of the Senate in deciding certain questions, and possible methods to determine the Leader of the Opposition.

Let me begin with the question of privilege claimed by Senator St. Germain. Rule 43(1) reminds us that:

The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions...

The struggle of Parliament with the Crown for the recognition of its privileges several centuries ago is in fact the history of the rise of parliamentary government and democracy in Great Britain. This history is also a proud part of our Canadian constitutional heritage. The underlying principles of privilege established so long ago still remain important today, although the application of these privileges continues to evolve.

According to the British parliamentary authority Erskine May:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

The foremost privileges that are exercised by the house collectively are the power to punish for contempt and the power to regulate internal proceedings as a body. Preeminent among the rights enjoyed by members is freedom of speech. Other rights enjoyed by members individually include freedom from arrest, hindrance and molestation. These latter privileges remain important, in the words of Erskine May, "as a means to the effective discharge of the collective functions of the House..."

Whether or not a senator is acknowledged as Leader of the Opposition does not fall within the traditional privileges enjoyed by individual members, or even the privileges exercised by the Senate as a whole. It is therefore difficult for me to see how the matter of any senator's recognition in the position of Leader of the Opposition could constitute a question of privilege. This view is supported by Joseph Maingot in his book *Parliamentary Privilege in Canada*. At page 224 of the second edition, he notes that parliamentary privilege applies to members in their capacity as members, not in their capacity as ministers, party leaders, parliamentary secretaries or whips. Accordingly, it is my ruling that no *prima facie* case of a breach of privilege has been established in this case.

There may well be instances, however, where the status of the Leader of the Opposition can give rise to points of order. For example, the rules provide that in most instances the Leader of the Government and the Leader of the Opposition will be granted unlimited time for debate. An attempt to limit that right could lead to a point of order that could be the subject of a Speaker's ruling. It must be stressed that the protection of these rights does not involve their recognition as parliamentary privileges over and above the privileges accorded to all parliamentarians. It is also necessary to point out that in such a case, as in all matters relating to the enforcement of the Rules of the Senate, the ruling itself could be the subject of an appeal to the Senate for confirmation or rejection. This is because the Senate retains for itself the exclusive authority to determine its practices even to the extent of passing judgment on decisions of the Speaker. In this regard, the Senate is quite different from many other Parliaments, including the United Kingdom and Australia, where the decisions of the Speaker are not subject to appeal.

[Translation]

At this point, I am already well into the second issue that I wished to raise in this ruling — the role of the Speaker of the Senate. That role is, in fact, quite limited. As Speaker, I have an obligation to enforce the Rules of the Senate to the best of my ability, but the Senate alone has the ultimate authority to determine its practices, not the Speaker. Precedents, therefore, do not have any binding character. They would, of course, influence the assessment of a situation by a Speaker, but they could not bind the Senate. Under our current practices, the Senate is not constrained by any obligation to follow precedent.

[English]

In this particular case, I have looked closely at the precedents mentioned by Senator St. Germain which are also explained more fully in the document that he tabled February 6. It is Senator St. Germain's contention that these precedents are useful and provide guidelines that could influence the outcome of this case. The first example that he referred to in his presentation was that of the British Parliament. The senator makes the case that in Westminster, the opposition leadership in the House of Lords is determined by reference to the political composition of the House of Commons. I think that is a correct account of how the system operates in the United Kingdom Parliament.

Should there be any doubt in the United Kingdom as to which party should be recognized as the official opposition based on parity, the Speaker of the House of Commons is authorized under statute to make a final and conclusive determination. In all other cases, however, the Speaker has no role to play. Under the same law, the Ministerial and other Salaries Act, the Lord Chancellor is given the same authority to determine the official opposition in the House of Lords, but this authority must be exercised by way of reference back to the decision made in the House of

Commons. These provisions of the act date back to 1937 and I am unaware of any occasion where the Speaker or the Lord Chancellor had to resort to it; nor did Senator St. Germain indicate that it had ever been used. In any case, it is the view of the senator that I as Speaker can exercise the same authority through the provisions of rule 1. I do not accept this proposition. Moreover, my position seems to be shared by my counterpart in the other place. In a ruling that was made on February 26, 1996, dealing with the status of the Bloc Québécois, Speaker Parent explained:

Unless the House wishes, either in the rules or in legislation, to give the Speaker precise powers and guidelines by which to designate the official opposition, I must state at the outset that I do not feel it is within my power to make such a decision...

The Speaker went on to acknowledge the status quo incumbency of the Bloc Québécois as the official opposition.

[Translation]

In my assessment of the position taken by the Commons Speaker in that instance, this was not a typical ruling at all. In character, it resembled the approach the Speaker would be expected to take in respect of a casting vote which is to keep the question open by opting for the *status quo*. The Speaker simply recognized the *status quo*. Speaker Parent acknowledged that he had no authority to alter the *status quo* and recognize the Reform Party as the official opposition. Such a decision, as he explained, "has never been decided on the floor of the House of Commons, and the House has never put in place a procedure for the selection of the official opposition."

[English]

Australia was another jurisdiction that Senator St. Germain raised as a possible model. There, too, it seems a correlation exists between the identity of the official opposition in the Senate and the House of Representatives. In explaining the history of the Australian experience, Senator St. Germain referred to an account that had been secured from the Senate Clerk Assistant of Procedure, Dr. Rosemary Laing, in Canberra. While the experience in Australia has been largely consistent with the anomalous exception of what occurred in the early 1940s involving different opposition parties that were in a coalition, the practice is regarded as a convention. This convention, however, is not unalterable or inflexible. The Clerk Assistant has provided the Table with some information about the character of this convention. This document, as well as the research paper tabled by Senator St. Germain and my correspondence with Mr. Day, is available in the Clerk's offices. As Dr. Rosemary Laing describes it:

The fact is that while the position of Leader of the Opposition in the Senate has to date been determined by reference to the party in opposition in the lower house, changing circumstances in the future may well lead to a different outcome. If the situation arose in the Senate in which the party constituting the Opposition in the House of Representatives was not also the largest party in the Senate not included in the government, it is highly likely that the right of the leader of such a party to the title of Opposition Leader would be disputed. The issue of which senator is designated as Opposition Leader is a matter of custom and practice only. If a dispute arose about which party could claim the title, the matter could be resolved only by the Senate itself. Custom and practice (or 'precedent') may well not be the determining factor in the resolution.

• (15:00)

Senator St. Germain explained that he felt obliged to refer to the examples of the Parliaments of the United Kingdom and Australia because there seemed to be no precedents in our Senate history that addressed the problem of determining who should be the Leader of the Opposition. This is, no doubt, because there was no difficulty in deciding who should have the title. Until recently, the Senate has been almost exclusively a two-party house with a handful of independents. The two political parties represented in the Senate are the only parties that have ever formed the government. Thus, there was never a problem in deciding which party formed the government and which the opposition. This may have established a practice; it is not clear that it has established a convention.

Reference to authorities such as E. Russell Hopkins and Robert MacKay suggest that there has been some variation in how the Leader of the Opposition in the Senate has been designated. Although Hopkins indicates at page 17 of an unpublished manuscript in the collection of the Library of the Parliament that it was the decision of the Leader of the Opposition in the House of Commons, MacKay states in his book entitled *The Unreformed Senate* at page 66 that it was a decision of the Senate opposition party caucus. F. A. Kunz, in his work *The Modern Senate of Canada / 1925-1963*, at page 85 takes a position that more closely resembles the account provided by MacKay.

In any case, these options were exercised in an era when two parties dominated the political landscape — a landscape which Senator St. Germain told us is now changed. In any event, it seems to me that there is precedent to indicate how the Senate will designate its Leader of the Opposition. In 1994 and again in 1997, the Leader of the Opposition was chosen by the caucus representing the largest number of senators, not the government. The proposition that these examples do not count because there was no representative from the Bloc Québécois or the Reform Party in the Senate at the time is not altogether persuasive. I say this because these precedents prove that there need not be a

corresponding relationship in the political composition of the House of Commons and the Senate. Our parliamentary system continued to function even though the Senate had an opposition that did not match the official opposition in the House of Commons when it was the Bloc Québécois or the Reform Party. Parliament is flexible enough to accommodate this possibility. This is because, in large measure, the Senate and House of Commons are and remain independent, autonomous bodies performing roles that are complementary to each other.

[Translation]

Unless authorized to do so, it is not up to me to decide whether the identity of the official opposition in the Senate will or should change at some point in the future. As I have indicated in my response to Mr. Day, I believe that the Senate itself will make such a decision, which is not the Chair's responsibility. As far as the identity of the opposition for the current session is concerned, I would point out that the Senate has already indicated where its choice lies. On Thursday, February 8 it adopted, by majority, the second report of the Selection Committee. In addition to designating the members of the standing committees, the report designated the *ex officio* members, namely Senators Carstairs or Robichaud for the government and Senators Lynch-Staunton or Kinsella for the opposition. The matter, therefore, appears to be settled, for the moment at least.

[English]

I have made an effort to go into the substantive issues raised by Senator St. Germain even though I ruled that no *prima facie* case of a question of privilege had been established. I did this not only because the senator asked me to, but also because I believed it was important for me to explain what I understood to be the practices related to the identification of the Leader of the Opposition. In view of the current circumstances, I am satisfied that the Office of the Clerk has dealt with this issue appropriately. It may be that I have not answered all the important and interesting questions raised by Senator St. Germain. Should this be the case, it might be useful, as was suggested, to have the status of the opposition parties studied by the Standing Committee on Privileges, Standing Rules and Orders. This is an avenue that Senator St. Germain may want to pursue or the committee itself may choose to explore.

Is Senator St. Germain rising to object to the ruling? He is entitled to do that; however, it is not a debatable matter.

Hon. Gerry St. Germain: No, honourable senators, I am not.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition: Order!

Some Hon. Senators: Order!

Senator St. Germain: I should like to rise on a point of order. First, I would thank His Honour, for the —

The Hon. the Speaker: I am troubled by how we should proceed. As you might expect, I have looked into how we should proceed at this point. Having given a ruling, the rules provide that the ruling can be challenged in the Chamber. Rule 18(3) reads:

When the Speaker has been asked to decide any question of privilege or point of order he or she shall determine when sufficient argument has been adduced to decide the matter, whereupon the Speaker shall so indicate to the Senate, and continue with the item of business which had been interrupted or proceed to the next item of business, as the case may be.

(4) Except in accordance with the provisions of rule 37(5), all decisions of the Speaker shall be subject to appeal to the Senate, and such an appeal shall be decided forthwith, without debate.

I would be pleased to open the matter for debate and to hear the positions of honourable senators, but the rules do not allow me to do so. Accordingly, any debate is out of order. However, I do point out to all honourable senators that the decision that I have made is appealable, and two senators rising will precipitate a standing vote.

I will take my seat. I rose to explain to all honourable senators where we are and to point out that, in accordance with our rules, it would not be in order to make a comment on my ruling. It is only in order to challenge the ruling, or not.

Senator St. Germain: If I may, honourable senators, I do not intend to challenge His Honour.

Senator Corbin: Order!

Senator St. Germain: I rise on a point of order.

Hon. Sharon Carstairs (Leader of the Government): You cannot.

Senator St. Germain: I cannot?

The Hon. the Speaker: I can perhaps hear a point of order following disposition of the ruling. If you wish to rise and no one else rises, it will be a matter that the Senate accepts on division. If two senators rise, we will have a division. Following the disposition, the honourable senator may rise on a point of order. I will take my seat. If a senator wishes to challenge the ruling, then he must rise. If no honourable senator rises, then the ruling will be accepted.

Senator Kinsella: Orders of the Day.

Senator St. Germain: On division.

Senator Corbin: Next item.

Hon. Anne C. Cools: Honourable senators, I believe that Senator St. Germain was trying to say, "Thank you," and that was all. It was not my understanding —

Some Hon. Senators: Order! Order!

Senator Cools: That is in order, honourable senator. Politeness is always in order. There is a routine to challenge the ruling. I do not believe anyone here wants to challenge the ruling. "Thank you" are still in order, even in this place.

Senator Kinsella: Thank you.

The Hon. the Speaker: Honourable senators, I would appreciate being thanked, but the rules do not allow for such a courtesy.

Honourable senators, the question is whether the ruling of the speaker is sustained. Those in favour of the ruling will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed will please say "nay."

Senator St. Germain: Nay.

The Hon. the Speaker: I believe the "yeas" have it, and the ruling is upheld, on division.

• (15:10)

Senator St. Germain: Honourable senators, I rise on my point of order. As the previous deliberations and the Speaker's ruling seem to suggest, my privileges are, perhaps, not being breached in this matter.

Before I start, I should like to thank His Honour for the study done by him and for his response. I know that he took the matter seriously. Logically, it has gone through now, on division, but I will be studying it closely.

On my point of order, as I say, my privileges are, perhaps, not being breached in this matter. It is therefore logical that there must be a point of order here.

Senator Cools: But there is not.

Senator St. Germain: Through my question of privilege, I explicitly requested that the Senate, through the Speaker provide some direction in this matter. My reasons for this request are many, but essentially I see a situation that calls for a clearer interpretation of the rules. I reiterate that the rules of the house are, in my view, being abused. The first section of the *Rules of the Senate* state that precedent and tradition are critical elements in any decision made by the Senate that deals with a question not in the rules. Rule 1.(1) states:

In all cases not provided for in these rules, the customs, usages, forms and proceedings of either House of the Parliament of Canada shall, *mutatis mutandis*, be followed in the Senate or in any committee thereof.

Our customs, usages, forms and proceedings require that we look to three sources for governance of this place. The first is the Rules of the Senate, the second is precedent and the third is tradition.

Honourable senators, given that we have no rules governing the selection of the official opposition, we are required by our own rules to examine precedent and tradition. There is no precedent from the Senate itself, but there is precedent from the House of Lords, and the precedent from the Australian Senate I believe is crystal clear.

Senator Kinsella: Order!

Senator St. Germain: In those places the official opposition in the upper chamber is selected —

The Hon. the Speaker: I suggest, Senator St. Germain, that you may be reworking the same ground here.

Senator Kinsella: Exactly.

The Hon. the Speaker: As the honourable senator knows, in my ruling I suggested that a motion might be in order to refer this matter to the Rules Committee, which in turn would provide full opportunity for debate. The problem I have is finding a rubric for what it is I think the honourable senator wishes to do, that being to raise this matter with all honourable senators with a view to finding some solution that is more satisfactory to Senator St. Germain.

As the honourable senator knows from the ruling, this is a matter upon which the whole Senate would need to decide. May I suggest that a way to do that would be by way of motion referring the matter to the Rules Committee.

Senator St. Germain: I will be guided by His Honour's wisdom. I ask leave, then, notwithstanding the rules, to move a motion.

Senator Kinsella: No.

Senator Carstairs: No.

Senator Kinsella: No leave.

Senator Cools: You cannot do that.

Senator St. Germain: Well, I can ask.

Hon. Eymard G. Corbin: Leave denied.

Senator St. Germain: Honourable senators, I ask for the approval of the Senate.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker: I am sorry to say that leave is not granted.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.—(2nd day of resuming debate)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I should like to begin by congratulating our new Speaker of the Senate, the Honourable Senator Dan Hays, on his new position. I must tell His Honour that it has already been noted that he tips his hat in ways reminiscent of a more frequently worn Stetson. I welcome that particular western touch to this chamber.

I should also like to thank our former Speaker, the Honourable Gildas Molgat. Senator Molgat has served this chamber and Canadians very well. He was first elected Speaker *pro tempore* in 1983, and he has also held the positions of government whip, president of the Liberal Party of Canada — which may not bring the same affection from the other side — deputy opposition leader and deputy government leader. My honourable colleague has been active throughout his tenure here in the Senate on constitutional issues, having served as co-chair of the Special Joint Committee on the Constitution of Canada, co-chair of the Special Joint Committee on Senate Reform, chair of the Senate Committee of the Whole on Meech Lake Constitutional Accord, and as chair of the Senate Task Force on the Meech Lake Accord, Yukon and Northwest Territories.

Senator Molgat has made significant contributions to many other worthy organizations. One certainly could not forget his contribution to the Royal Winnipeg Rifles. I should like to thank him specifically for his professional and capable contribution to us here in the Senate. We have been very fortunate to benefit from his experience and his competence.

Hon. Senators: Hear, hear!

Senator Carstairs: As, perhaps, some of you do not know, Senator Molgat was the leader of the Liberal Party in Manitoba for a considerable period of time, and I am honoured to have replaced him — after a few leaders in between — in that exact position. He was invaluable to me as I began my leadership in the province of Manitoba, not the least of which was that he provided me with my first provincial campaign manager.

I should also like to congratulate Senator Cordy and Senator Settlakwe on their excellent speeches in moving and seconding the address in reply to the Speech from the Throne. I am very appreciative to my caucus members for their support in my new role as Leader of the Government in the Senate. In addition, I should like to thank all of my predecessors from both parties who I feel have done a wonderful job in keeping this place, our Canadian Senate, a place of fellowship and a place of serious contribution to the functions of Parliament. It is a rare workplace where colleagues can come together in mutual respect, and I feel very privileged to be a part of this institution.

[Translation]

As some of you are already aware, my father Harold Connolly sat in the Senate from 1955 to 1979. He represented Nova Scotia, the province of my birth, a province to which I have developed feelings of attachment, affection and loyalty.

I am the product of the union of two different provinces and two different cultures, born to a French-Canadian mother and an Irish father. I was born in Nova Scotia but lived for twelve years in Alberta and for twenty-four years in Manitoba. I very strongly believe that Canada is a country which must preserve its differences while at the same time respecting its unity.

[English]

This inherent contradiction is something all previous governments have struggled with, and I believe the Governor General's Speech from the Throne truly represents and respects this struggle and offers solutions to unify us behind a common cause — the cause of making this country a better place in which to live. We have always been a nation of antipodes in culture and language, in geography and attitudes, but this panoply of differences gives us our unique system of Canadian values. Our values are what unify us and this unity is something we must work hard to preserve.

I should also like to mention how pleased I am — and again, I do not expect I will share this with the other side — that the Prime Minister and the Liberal government have been granted another mandate to carry out the policies which unify us and strengthen our social fabric. Our goals now are to take this group of representatives, from each and every province and territory, and produce new laws that will preserve our unity while

respecting our differences.

I should like to thank the Leader of the Opposition for his kind words yesterday with respect to my appointment, and to assure him that we have no intention of forgetting the essential role that the opposition plays in our parliamentary system.

• (1520)

However, with regard to his subsequent remarks on the Speech from the Throne, I should like to remind him that a Throne Speech is defined in McMenemy's *The Language of Canadian Politics* as "a general outline of...legislative priorities in the coming session" and is not intended as a specific outline of all legislation which the government will attempt.

The third edition of the Red Book, upon which the Prime Minister based his third successful election campaign, lists a more specific outline of our proposals for change. Our country has been enjoying an extended period of prosperity under our current government that should alleviate much of my honourable colleague's concern. This government will continue to address ongoing issues in our country and we will continue to fulfil our ongoing commitments.

With respect to my honourable colleague's question about why there is no code of ethics in place for members of both Houses of Parliament, I should like to remind him that there was a report on this issue in 1995 by the Special Joint Committee on Code of Conduct. The government was prepared to support the recommendations but there was significant opposition in both Houses to clarifying and resolving the guidelines. Our government has always maintained that this is an issue for all parliamentarians to address outside of our partisan limitations, and we continue to stand by that assertion.

The Speech from the Throne outlines three goals that this government hopes to achieve in order to improve the quality of life for all Canadians: building an innovative economy, fashioning a strong social fabric, and framing policies of modern governance which are open and flexible to the changes we will all be confronting in the future.

[Translation]

The Prime Minister has already begun to fulfill one of the promises of the Speech from the Throne. Together with the President of the Treasury Board, Lucienne Robillard, and the Minister of Public Works and Government Services, Mr. Gagliano, Mr. Chrétien has set up a new "Canada Site" on the Internet. This new Web site will permit the Liberal government to achieve one of its main objectives, namely to make government more accessible and to enable Canadians to avail themselves of services and information from their government more easily. I have already visited it and encourage you to do so as well. It is full of information, and I even had the pleasure of moving around in it in search of discoveries.

[English]

Canada is a vast country. Since the inauguration of our great railway, our country has been a leader in finding innovative ways to use technology to connect our citizens to each other. The necessity of keeping connected over this great expanse of geography has created an impulse in Canadians to create a society which is experienced in building connections — between people, between cultures, and between nations.

We have always been a leader in high tech, aerospace and telecommunications technology. Our government's Connecting Canadians strategy is another initiative that is forward thinking and one which will benefit future generations of Canadians by building the technology infrastructure that will make Canada the most connected nation in the world.

Investing in research and development is a priority in order to build a solid economy for a prosperous future. Canada has survived as a nation by having one of the most innovative economies in the world. We will continue to increase funding to universities for research, encourage the commercial application of that research, and work internationally to develop collaborative efforts in science and technology.

This government will not only place a priority on scientific endeavours but on promoting Canadian arts and culture, both here at home and worldwide. Canada is fortunate to benefit from a diverse artistic and cultural community. As diverse and numerous as our arts community is, it enables us to create our unique national identity and to share our national perspectives in the world.

The Prime Minister referred to many research and development initiatives in his reply to the Speech from the Throne, but there is one that I would like to mention in particular: the Networks of Centres of Excellence. I should like to thank my predecessor, the Honourable Bernie Boudreau, for his dedicated work on this issue. I should like to carry on his commitment to research funding for our universities and to providing the opportunities for our students and their professors to apply their knowledge for the benefit of our new economy. This is particularly important for those of us who live in smaller provinces and, therefore, smaller academic communities. Our students also deserve the very best.

In order to fuel the new economy, our country needs more skilled workers. We will promote programs that encourage literacy, continuing education, and the acquisition of job skills. As a former teacher of 20 years, I am very pleased about the creation of our new Registered Individual Learning Accounts, which will give Canadians the opportunity to plan financially for their own education.

During the recent campaign, I was in Brandon, Manitoba where I met with a group of students who were trying to further their education through grade 11 and grade 12 at an adult learning centre. I was disturbed greatly by the plight of a young

man who was back at school trying to get his grade 12 while supporting his three children. He did not know how he would buy his children winter boots.

Senator Kinsella: Who won that riding?

Senator Carstairs: The Conservatives won that riding, but surely not because I was campaigning there.

Surely a young man trying to raise young children and provide them with adequate support while trying to fulfil his own education requirements, so that in the future he can provide a better lifestyle for his children, should not have to be concerned about providing those children with winter boots.

In order to fuel the new economy our country needs more skilled workers. I hope that, through this program, we can ensure that that will happen. Those who are born in Canada must also be integrated more successfully and not be excluded from the opportunities that we can offer. A fundamental goal of our government in this mandate is to share opportunity. Our children will benefit from many new initiatives to give greater social support to those who are in need, programs that take measures to address specific health and quality-of-life concerns.

In the words of the Prime Minister:

It took a generation working together to reduce the incidence of poverty among seniors. It happened step by step....We can and must make similar progress for children.

Some of our most needy children are the children of our First Nations. While all Canadians benefit from high-quality educational and health services, our aboriginal communities need better access to services that are available in other regions of our country. The government will increase support to the Aboriginal Head Start program in order to give the children of our First Nations a better start on school and help with those special needs.

The cost of caring for someone with fetal alcohol syndrome has been estimated at U.S.\$1.4 million in their lifetime, and the social consequences are incalculable. We will provide further assistance to programs that work to mitigate and prevent the effects of fetal alcohol syndrome among aboriginal and non-aboriginal children.

Having spent time in classrooms, I know that children suffering from fetal alcohol syndrome who cannot read or write, who have no social skills, and who cannot integrate within a classroom setting have many strikes against them before they even enter the workforce.

We will work with the provinces to improve our laws on child custody for all children. We will provide support to parents of children who are seriously ill so that they can take care of their families without fear of losing their employment. Honourable senators, I think that we in this chamber should take great pride in that commitment because it emanated from this chamber and our special report on quality end-of-life care.

This government is committed to improving Parliament through several measures, the most important of which was stated by the Governor General when she said that "private members' bills from the House of Commons and Senate have been taken into account more often and considered with greater attention than at any time in the past."

• (1530)

I hope that will continue because, certainly, the bills that come from this chamber are of very good quality indeed. My experience in the Senate has indicated that we work hard at producing private members' bills and that we do it with great success. The report of the Special Senate Committee on Euthanasia and Assisted Suicide, and the subcommittee to update the report, has become a standard reference for Canadians and for our government on issues which our society is struggling to address and define for ourselves.

Much work needs to be done in ensuring that optimal end-of-life care is accessible to all Canadians. This is an issue that touches every person in this country, yet 90 per cent of us do not have access to quality palliative care. Many principles have already been established and widely accepted as guidelines to providing this care. The rights of patients, the expertise of nurses and physicians, and lifestyle and family preferences must be considered in order to adequately address the needs of patients.

Palliative care should be accessible to all patients in all regions of our country, both whether in medical institutions, hospices or in their own homes. Despite the wonderful work done by pioneers in the field at St. Boniface Hospital in Winnipeg, the Royal Victoria Hospital in Montreal, and other hospitals and universities through out this country, Canada needs to develop further expertise and to institute residency programs in palliative care. These services must be integrated, and emphasis should be placed upon supporting the caregivers and physicians who work in improving our quality of life. Above all, the thanks of a grateful nation should go to the thousands of volunteers in Canada who are presently working with the dying.

[Translation]

Canada has always been a global leader in health care and quality of life. We are continuing to ensure that the federal and provincial governments honour the principles of the Canada Health Act. In fulfilling this commitment, \$21 billion will be allocated over five years to our health care system in the context of the Canada Health and Social Transfer.

The Government of Canada recognizes that access to education and health care is not enough without a healthy environment. Past generations have thought the country too vast to suffer the effects of unbridled development. Today, we realize that, however vast and populated our country may be, we must not lose sight of our responsibility to ensure we have clean air and water and natural landscapes.

[English]

The federal government has signed clean-air agreements with the United States, and will work with provincial governments and support international efforts to reduce greenhouse gas emissions. We are increasingly committed to protecting our water supplies. We will develop stronger national standards, increase research funding, and work with industry and provincial governments so that we can safeguard our surface and groundwater. The federal government also recognizes that it must play a greater role in protecting our natural spaces. New parks will be created and existing ones will receive greater funding.

Providing exceptional health, educational and social services has always been the primary goal of successive Canadian governments, but this government will make preserving the land a fundamental principle, so that our green spaces, our varied habitat and our diverse species will remain some of the most admired in the world.

Providing assistance to farmers from Western Canada has also been a concern of this government. In July, the federal government provided leadership in negotiating a three-year, \$5.5 billion aid package with provincial ministers of agriculture. Farmers in Manitoba and Saskatchewan have also received federal and provincial funds to help them adjust to changes in transportation policies. This is an issue that we deal with daily in this chamber and one that we need to deal with at all levels of government.

The government has already taken action on its promise to promote safe communities. The new Youth Criminal Justice Act was just introduced in the other place and seeks to address issues of accountability, responsibility and rehabilitation. When crimes are committed by young people, the severity of the crime will be a more significant factor in determining sentence and restitution than it has been in the past. The new act is part of the government's commitment to the Youth Justice Renewal Initiative, a strategy to broaden our focus on youth crime beyond that of legislation alone, and to seek solutions to factors that contribute to youth crime.

I must tell honourable senators that I am extremely pleased that the changes made to this act that was originally introduced in the last Parliament will now allow greater flexibility to provinces, particularly to the Province of Quebec, which has been a leader in rehabilitation programs and which, in my view, all other provinces should be following.

We will work to establish stronger ties with aboriginal people. The federal government will work in conjunction with First Nations communities to increase transparency and effectiveness in managing their communities and fulfilling all the basic needs in order to ensure a quality-of-life standard equal to the rest of Canada. Our government will also concentrate on improving life at the community level, working with local and provincial governments to build transportation infrastructure and to provide more affordable housing for low-income families.

More and more, Canada must reach out to the global community and establish ties with other nations and share the opportunities we have in our own country. Our federal policies will identify immigrants who are skilled workers and who can contribute to the growth of our economy. We will work with the provinces and territories to recognize the credentials that our immigrants have received abroad so that they do not encounter barriers to becoming contributing members of Canadian society.

Canada will continue to foster strong ties with other countries. We will increase our international assistance so that we can continue to play an important role in promoting peace and security in the world. The Prime Minister recently completed a second trade mission to China to capitalize on the trade agreements we have already signed and to promote further commerce between our two nations. I hasten to add that human rights has been an important part of these talks. This spring, in Quebec, our government will participate in discussions on developing a Free Trade Area of the Americas, to open up more opportunities to Canadian products and services within our hemisphere.

Honourable senators, our country will be presented with new and unfamiliar challenges as we move forward into this new century. Some Canadians are raising questions about whether Confederation serves this country well and whether we can resolve the many differences that exist between our provinces and territories. I am here as a proud representative from Manitoba to say that I believe the answer is "Yes, we can resolve our differences." I am from a province that I think exemplifies Canada — it is vast, geographically diverse, culturally diverse and linguistically diverse. Manitobans are proud of their distinct heritage as the Keystone Province. Manitoba comprises not only French Canadians, English Canadians, and aboriginal Canadians, but Canadians from every corner of the world. Our province has always experienced opposing pressures yet has gradually learned to resolve conflicts. We embody the spirit of rebellion, as well as the spirit of settlement. We are among Canada's oldest and largest provinces and have become more tolerant of our differences. We have sought and achieved satisfactory compromises.

The great expanse of this country is embodied in the minds and hearts of all Canadians, and I believe if we look to Manitoba's model of what has become mutual respect and support, then we as Canadians can face this new century with confidence and optimism.

I should like to pay tribute in closing to a former Prime Minister who has left an indelible mark on the landscape of our minds and identities as Canadians, the Right Honourable Pierre Elliott Trudeau. Instead of quoting him, I will quote one of his favourite Canadians, F.R. Scott. Frank Scott was a man with broad and diverse interests, in a country itself broad and diverse. He was a constitutional lawyer, a teacher, a civil libertarian and a poet. He is the only Canadian to be twice awarded the Governor General's prize for literature.

More than 30 years ago, F.R. Scott wrote a poem about travelling by air across Canada. His impressions are recorded in his poem *Trans Canada* which describes the beauty and vastness of our Canadian landscape, and the role that ingenuity and innovation plays in uniting us as a nation.

• (1540)

The plane, our planet,
Travels on roads that are not seen or laid...
While underneath
The sure wings
Are the everlasting arms of science...
This frontier, too, is ours.
This everywhere whose life can only be led
At the pace of a rocket
Is common to man and man,
And ever country below is an I land...
And here is no shore, no intimacy,
Only the start of space, the road to suns.

Scott's deep appreciation of our country and its inhabitants is something he shared with Mr. Trudeau. Their shared optimism for Canada and their appreciation of this awe-inspiring country we inhabit should serve as inspiration to us all as we enter into the 21st century.

On motion of Senator Murray, debate adjourned.

CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Finestone, P.C., for the second reading of Bill S-11, to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence.

Hon. David Tkachuk: Honourable senators, first, I wish to congratulate His Honour, who has just left the Chair, on his appointment. I do so *in absentia*.

Senator Molgat is in his place, and I should like to thank him for the kindness he has shown me over the last number of years while he was Speaker of this chamber, whether we were in agreement or disagreement. I should like to tell him how much I appreciated him. I should like to — and I have a hard time saying this — congratulate the Liberal Party — and I could barely say that — on their victory this past fall. The election has resulted, of course, in new leadership in this place, in the names of Senators Carstairs and Robichaud. I am sure the process of choosing the leadership opposite was more interesting than the process on our side, where unanimity was shown for our leadership in the names of Senators Lynch-Staunton, Kinsella and DeWare.

I was not surprised by the jockeying for leadership within the party opposite in the other place before the election. I am surprised, as I am sure all on this side are, that it is still taking place after such a resounding victory.

Honourable senators, I do not want to be waylaid. I rose to speak to Bill S-11, which was formerly Bill S-19, and not to the Speech from the Throne, which I will get to later. I spoke to Bill S-19 on April 15, 2000, if any honourable senators are interested in my views. As a result, my speech today will be short.

We on this side welcome the general direction of Bill S-11, which aims to expand shareholder rights, help Canada compete and clarify responsibilities, eliminate duplication and reduce costs. There is no doubt that major changes to corporate governance are long overdue. Indeed, it is unfortunate that the Senate was unable to complete its work on this legislation last fall.

Back in 1975, shareholder rights were not a major concern. Communication by e-mail or by fax was not a concept known outside scientific circles. No one would have understood the concept of capital leaving the country at the click of a mouse. That was the last time there were changes made to the Canada Business Corporations Act, and that was a quarter of a century ago.

I should like to note two general concerns that were raised when Bill S-19 was before us. The first concern has to do with the clauses of Bill S-19 that were to expand shareholder rights and which could, in fact, create new problems. The problem is that Bill S-19 would have imposed a burden of proof on shareholders to demonstrate that their proposals relate significantly to the business of the corporation. It is not hard to see endless litigation over whether or not this burden of proof test had in fact been passed. I also understand that the purpose of this rule is to ensure that interest groups do not turn annual meetings into forums for debating hot-button political issues.

At the same time, shareholders with legitimate concerns about the business and direction of the corporation should not be turned away simply because someone in management does not want a specific issue raised.

When this bill was before us last spring as Bill S-19, the government had signalled its intentions to bring in several hundred amendments to the legislation, many of them technical, and many in response to legitimate concerns raised by the Canadian Bar Association. We will soon have the opportunity to see how closely the government listened when the bill moves to committee for study.

The second concern, and one to which it appears the government did not listen, is that the 10-year review clause that the Banking Committee suggested in an earlier study on corporate governance legislation has not been included in the bill.

One of the major arguments in defence of this bill is that it will help make Canada more competitive. It probably will, but let us not kid ourselves. It will take a lot more than changes to the Canada Business Corporations Act to make Canada more competitive. Even after this bill is made law, our corporations will still be competing in a world where the corporate taxes are among the highest in the western world. They will be attempting to retain senior managers in a personal income tax system that is far more punitive than that of our neighbours to the south. They will be attempting to compete in a regulatory environment that imposes enormous compliance costs.

As I said earlier, honourable senators, the last major changes to the Canada Business Corporations Act were in 1975. Just as the government has come to realize that the corporate laws of a quarter century ago are no longer relevant today, it must come to realize that a 1970s approach to taxes and regulations will not work in the 21st century either.

Our members will be most anxious to hear from the many groups that came before us in early 2000 to see how they view the changes that have been made in this new bill before us.

Hon. Shirley Mahieu (The Hon. the Acting Speaker): Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[Translation]

• (1550)

PRIVILEGES, STANDING RULES AND ORDERS

MOTION TO INSTRUCT COMMITTEE
TO REVIEW NUMBER OF COMMITTEE MEMBERS
FOR STANDING COMMITTEES—DEBATE ADJOURNED

Hon. Fernand Robichaud (Deputy Leader of the Government) pursuant to notice of February 20, 2001, moved:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the maximum number of Senators for each of the several standing committees provided for in Rule 86(1);

And that the Committee report its findings to the Senate no later than Tuesday, March 27, 2001.

He said: Honourable senators, one problem continually returns before the Senate and that is the overlap of committees and the conflicts it creates for committee members. A simple calculation explains the situation. The Senate currently has 93 senators. New appointments would bring this number to a maximum of 105. In the Senate, there are 12 standing committees, 10 of which have 12 members, two have 15. In all, this means there are 150 places on the committees. A number of committees sit twice weekly, and often for two hours. This means a potential total of 600 hours of committees sittings.

A number of senators, such as the Speaker, the Speaker *pro tempore*, the leaders, the deputy leaders and the whips do not take part in committee meetings. This then leaves only 80 senators to fill 150 places. Obviously this means that most senators sit on at least two committees, some sit on three and some on four. Some of these committees sit at the same time.

[English]

This situation has led to the frustrating result that many of us have experienced from time to time. A senator is required to be in two places at once and runs the risk of being marked absent at one of the two committees that are sitting simultaneously. Not only will the senator be marked absent, but he cannot do the job that he was asked to do, namely, to sit as a member of that committee. We feel that this matter should be dealt with expeditiously, in particular because we are proposing to increase the number of standing committees to 14, as the Rules Committee has recommended in the past. That would happen if the Senate adopts the motion currently on the Order Paper proposing the new human rights and defence and security committees. If the Senate adopts the motion I am moving today, the Rules Committee, which has already dealt with the subject matter extensively over the past several years, will be obliged to come to a decision and make a recommendation to the Senate. Based on our own preliminary review of committee operations in the past five years, we believe that, in some cases, nine seats may be a more appropriate size for some committees. It is our hope that the committee will be able to bring in a report that recommends a reduction of seats on at least some committees. If such a report finds support in the Senate, it may go a long way to alleviating the difficulty of overlapping committee memberships.

[Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could Senator Robichaud explain to us how he arrived at the figure nine? What calculations did he use in reaching this conclusion?

Senator Robichaud: Honourable senators, when we look at committee attendance, we see that there are an average of nine members present at meetings. The reason for this is that some committees sit at the same time, creating conflicts for some members. We believe that this approach would improve attendance, because the number of members would be reduced and senators would not have to attend so many committees. They

could be much more effective if they did not have to sit on three committees, which are often meeting at the same time.

I often had this sort of conflict myself when I sat on the Standing Committee on Agriculture and Forestry and the Standing Committee on Internal Economy, Budgets and Administration. The Agriculture and Forestry Committee often met twice a week and the second meeting was held at the same time as the meeting of the Internal Economy Committee, on Thursday morning. I therefore had to make a choice. Sometimes, I had to opt for the Internal Economy Committee meeting, because it was holding important discussions in which I had to take part. This was not fair to my colleagues on the Agriculture and Forestry Committee. I was not always present to take part in discussions. I am not saying that the issues discussed by one committee are more important than those discussed by the other, but we are often forced to choose. A less packed timetable would mean that senators could attend the meetings of all the committees on which they sit. However, you are, I am sure, aware that the Senate sits a certain number of days a week and that the committees sit on those same days, which creates time constraints.

Senator Kinsella: My question has to do with the possibility of having two new committees: a defence and security committee and another one on human rights. I think that these two committees will be sitting on Mondays and Fridays. This does not address the problem of the number of members, but you have used this example as an argument in support of the motion.

• (1600)

Senator Robichaud: Honourable senators, should the Senate deem appropriate to approve the creation of these two new committees — if the number of senators were to remain at 12 or 15 depending on the committees — we would also have to ask some senators to sit on these two committees. This would have the effect of increasing the workload of these members, since the number of 12 or 15 senators would mean greater participation by senators in these committees. If that number were lowered, the workload would definitely be also. Senators would thus be able to participate more fully in the work of all the committees, including the two new ones, should these be approved by the honourable senators.

Senator Kinsella: Honourable senators, do you agree that there are three issues right now: the issues of numbers, of time available for all the committees and of staff support to all these committees?

Yesterday, a referral was made to the Standing Committee on Privileges, Standing Rules and Orders. We want to create a Senate committee on official languages. We are talking about 14 committees. Would it be preferable to look at the issue of joint committees, at the number of committee members and at the time available for that committee? Do you agree that all these factors should be examined together?

Senator Robichaud: Honourable senators, I understand that Senator Kinsella is inviting me to launch the debate on the motion on the Orders of the Day that should be debated tomorrow. I would rather wait. Senator Kinsella talks about the creation of a Senate committee on official languages. I point out to him that, under current Senate rules, there is a joint committee where senators must sit. Under the committee's decision, the joint committee would merely be replaced by a Senate committee. The figure of 17 senators is mentioned in relation to the joint committee. So, if we were to reduce the number of our committees, if that committee were set up, we would need 9 senators instead of 17.

Hon. Eymard G. Corbin: Honourable senators, this is the second item that the Senate refers to the Standing Committee on Privileges, Standing Rules and Orders. Yesterday, following a motion by Senator Gauthier, Senator Comeau moved an amendment, which was adopted, and the main motion, as amended, to consider the establishment of a Senate committee on official languages was then referred to the Standing Senate Committee on Privileges, Standing Rules and Orders. Today, you are coming up with a proposal to review the number of members of each committee. Would the deputy leader be prepared to instruct the committee, on behalf of the Senate, to prioritize its work? I am under the impression that other issues will soon be referred to the Standing Committee on Privileges, Standing Rules and Orders.

Instead of raising all these items at random, could the Deputy Leader of the Government prioritize them so that the committee can get back to us with some recommendations as promptly as possible? In my experience, referring too many things at the same time to this committee just means that everything gets left hanging. I say that with all due respect to Senator Austin. I am not accusing him of leaving things hanging. The nature of a committee is such that, when there is not total agreement, the thorny point gets put aside and members move on to another, so the decisions are slow in coming.

The committee on which I sat last year produced some excellent and useful reports. With a new Parliament, it would be a good thing if the government were to prioritize the items the Senate is referring to committee. I in particular would like to see a decision reached.

[English]

The Hon. the Acting Speaker: The honourable senator's speaking time has expired. However, with leave of the Senate, the time can be extended. Is it the wish of honourable senators to extend the time?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Please continue.

[Translation]

Senator Corbin: Honourable senators, you have understood the main thrust of my approach. Might we prioritize these items so that the Senate can act as expeditiously as possible?

Senator Robichaud: Honourable senators, I thank Senator Corbin for his suggestion. The motion we are debating at this time is an instruction to a committee to examine the maximum number of senators to sit on the committee and to produce a report by a certain date. This gives a certain priority to this motion, so that the committee can get working. I would, however, be remiss if I were to wish to go beyond that and set priorities for the other items already referred to the committee, which are not in fact covered by the motion I have presented today.

Senator Corbin: With all due respect, it seems to me that we should take into account certain chronological factors. In other words, an order from this Chamber to the Standing Committee on Privileges, Standing Rules and Orders should be given priority over subsequent items adopted a few days, weeks or months later. Otherwise, there will be a repetition of what happened last year: items are referred to the committee and, because of a lack of time or other factors — we cannot control the dates of elections — they are not resolved in a timely manner.

I put my grievance to the government leader. She has complete liberty to proceed as she wishes.

Senator Robichaud: In order to reassure Senator Corbin, who speaks from years of experience in this Chamber and in committees, I can only repeat that we are asking the committee to submit its report before March 27, 2001. The committee will therefore have to assign it a certain priority if it is to submit it on time. I believe we are allowing enough time for the work to be done without forcing the committee to cut corners or produce an incomplete report.

Senator Corbin: Meaning that the question referred to the committee yesterday will be put on the back burner.

Senator Robichaud: Honourable senators, I cannot speak on behalf of the committee to which we referred yesterday. Only the chair of the committee may do that.

Senator Kinsella: Honourable senators, I move that debate be adjourned.

Hon. Lowell Murray: Honourable senators, I was going to ask the honourable senator a question. I am tempted to rephrase the question put by Senator Kinsella. Does the Senate leadership rule out the idea of a five-day work week as too revolutionary?

[English]

• (1610)

More realistically, in view of the fact that the committees seem to be overworked and the chamber seems to be underworked, would some of the pressure be taken off the committees by studying more legislation in Committee of the Whole?

[Translation]

Senator Robichaud: Honourable senators, it is up to this house to undertake all the necessary studies to find a solution that will allow us, here and in committee, to be much more effective. In some cases, we could take your suggestions into consideration, provided we can find a way to improve the effectiveness of the work done by committees, and certainly the work done by this house.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have taken a special interest in the committee structure, as have all colleagues, because committees are such an important part of our work. The discussion that we are having is a good one, but it is approached in a piecemeal manner.

Yesterday, Senator Gauthier convinced us to send a recommendation to form a new committee to the Rules Committee. We have a motion on the Order Paper to form two more new committees without reference to the Rules Committee. The motion before us is to ask the Rules Committee to advise us, by the end of March, on the number of members on various committees. The fundamental question is this: Where are we heading with all this? We are approaching this in a piecemeal fashion.

For the next two or three months, why do we not agree to ask the Rules Committee to look at the entire committee structure and the number of committees that we have now and to see whether additional committees can be accommodated by the existing sitting schedule and, in particular, supported by the existing resources, both human and financial, available to them? Perhaps they could consider Senator Murray's suggestion that a five-day week for committees might resolve many of the problems we now face in our existing committee structure. The committee could also look into Senator Cools' complaint, which was resolved for her personally but still exists for other senators, namely, that the sitting schedule is such that senators who want to sit on certain committees cannot do so because the committees in which they are interested sit at the same time. That should not happen. The problem is not the number of senators available for committees, the problem is that the whole committee structure has not been fashioned to satisfy the environment in which the committees must function today.

When we come to the motion to create two new committees, my suggestion will be to return the entire problem of the committee structure to the Rules Committee for a recommendation on the number of committees, on the membership, and on the sitting schedule, with an assurance that the financial and professional human resources are available to it. These resources are now stretched to the limit and I doubt that they will be adequate should even one additional standing committee be created.

I would like at least the Deputy Leader of the Government, who is leading the debate on the government side, to be sympathetic to that suggestion and, perhaps, come back with some reaction to it at a later date.

[Translation]

Senator Robichaud: Honourable senators, the fact that the committee will look at my motion does not mean that we cannot do a more thorough review of the work done by committees and by this chamber. This is a beginning, and it is not the first time that we discuss this issue. We are trying to solve this situation in one fell swoop. Unfortunately, to this day, we have not found a satisfactory solution. This does not prevent us from taking action, as we are doing now, and then coming back later on and taking into account the suggestions that you are making.

[English]

Hon. Jack Austin: Honourable senators, I listened with great interest to the discussion on this motion and I want to thank Senator Corbin for expressing his concerns about the workload of the committee and its ability to prioritize.

I believe that the Rules Committee, of which I had the honour to be elected chairman today, is capable of understanding the priorities of the house and setting its work schedule in order to conform to those priorities. We will, of course, hold as many meetings as quickly as need to be held to meet whatever deadlines the Senate imposes upon us.

[Translation]

Senator Kinsella: If no other senator wishes to take part in this discussion, before proposing the adjournment of the debate, I should like to tell the deputy leader, Senator Robichaud, that his mathematical analysis is accurate. I should like to check not only the figures, but also whether there is a correlation between the committees' schedule and Air Canada's schedule. Honourable senators, I move adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, some committee meetings are scheduled for this afternoon. With leave of the Senate, I ask that all remaining items on the Order Paper stand in the order in which they are today.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 2 p.m.

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NUMBER 9

OFFICIAL REPORT
(HANSARD)

Thursday, February 22, 2001

THE HONOURABLE DAN HAYS
SPEAKER

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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Thursday, February 22, 2001

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

[Translation]

THE RIGHT HONOURABLE TONY BLAIR PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

ADDRESS TO MEMBERS OF THE SENATE AND
THE HOUSE OF COMMONS TABLED AND PRINTED AS APPENDIX

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I ask that the address of the Right Honourable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, delivered to members of both Houses of Parliament earlier this day, together with the introductory speech by the Right Honourable Prime Minister of Canada and the speeches delivered by the Speaker of the Senate and the Speaker of the House of Commons, be printed as an appendix to the *Debates of the Senate* of this day.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(For text of speeches see appendix, p. 187.)

SENATORS' STATEMENTS

JUSTICE

CAPITAL PUNISHMENT—DISCRETIONARY POWERS OF MINISTER REGARDING EXTRADITION

Hon. Gérard-A. Beaudoin: Honourable senators, as I was saying yesterday when it was indicated to me that my time had expired, the Supreme Court concluded in *Burns* that the principles of fundamental justice require the Minister of Justice to ask for assurances that the death penalty will not be imposed, when a State orders the extradition of an individual, except in certain exceptional circumstances the court declined to define.

The Standing Senate Committee on Legal and Constitutional Affairs once examined the constitutionality of the discretionary power of the Minister of Justice to extradite an individual. A majority of us concluded that this power was constitutional. A minority of us would like to see this discretionary power eliminated. The interpretation made by the Supreme Court in the *Burns* case is that the discretionary power exists but must be exercised in conformity with the Canadian Charter of Rights and freedoms. What this means is that now, when a state calls for the

extradition of an individual and that individual is subject to the death penalty if found guilty, the Minister of Justice of Canada must obtain assurances that the death penalty will not be imposed before ordering the extradition, because an extradition order issued without those assurances interferes with the right to freedom and security, does not comply with the principles of fundamental justice and is not justifiable in a free and democratic society.

Honourable senators, we all should rejoice at this decision by the highest court in the land.

[English]

TREASURY BOARD

PROCUREMENT POLICY—SECTION 9.1.1 OF GUIDELINES

Hon. J. Michael Forrestall: Honourable senators, I wish to put a bit of information on the record which relates to some questions that I might be asking in a few minutes.

Section 9.1.1 of the Treasury Board Guidelines states:

...the objective of government procurement contracting is to acquire goods and services and to carry out construction in a manner that enhances access, competition and fairness and **results in best value** or, if appropriate, the optimal balance of overall benefits to the Crown and the Canadian people. **Inherent in procuring best value is the consideration of all relevant costs over the useful life of the acquisition not solely the initial or basic contractual cost.**

I would ask honourable senators to keep section 9.1.1 in mind when I rise in a few minutes to ask the Leader of the Government in the Senate some questions about tendering processes.

• (1410)

ROUTINE PROCEEDINGS

AGRICULTURE AND FORESTRY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Leonard J. Gustafson: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Agriculture and Forestry. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

[Translation]

TRANSPORT AND COMMUNICATIONS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lise Bacon: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

[English]

NATIONAL FINANCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lowell Murray: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on National Finance. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Legal and Constitutional Affairs. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Marjory LeBreton: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Social Affairs, Science and Technology. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

REPORT PURSUANT TO RULE 104 TABLED

Hon. Richard H. Kroft: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Internal Economy, Budgets and Administration. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

[Translation]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Léonce Mercier, Chairman of the Committee of Selection, presented the following report:

Thursday, February 22, 2001

The Committee of Selection has the honour to present its

THIRD REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

STANDING JOINT COMMITTEE ON LIBRARY OF PARLIAMENT

The Honourable Senators Beaudoin, Bryden, Cordy, Oliver and Poy.

STANDING JOINT COMMITTEE ON SCRUTINY OF REGULATIONS

The Honourable Senators Bacon, Bryden, Hervieux-Payette, Finestone, Kinsella, Moore and Nolin.

STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

The Honourable Senators Bacon, Beaudoin, Fraser, Gauthier, Losier-Cool, Maheu, Rivest, Setlakwe and Simard.

Your Committee recommends that a message be sent to the House of Commons informing that House of the names of the Honourable Senators appointed to serve on the part of the Senate on the joint committees.

Respectfully submitted,

LÉONCE MERCIER
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Mercier: Honourable senators, with leave of the Senate and notwithstanding rule 59(1)(g), I move that the report be adopted now.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. Senators: No.

Senator Mercier: Honourable senators, I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

On motion of Senator Mercier, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

FOREIGN AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Peter A. Stollery: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Foreign Affairs. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Nicholas W. Taylor: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources. The report deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Peter A. Stollery: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary

for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Peter A. Stollery: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE AND TO APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Peter A. Stollery: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on emerging political, social, economic and security developments in Russia and Ukraine; Canada's policy and interests in the region; and other related matters;

That the papers and evidence received and taken on the subject and the work accomplished by the Senate Standing Committee on Foreign Affairs during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than June 28, 2002 and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until July 31, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE EUROPEAN UNION

Hon. Peter A. Stollery: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the consequences for Canada of the evolving European Union and on other related political, economic and security matters; and

That the Committee report to the Senate no later than March 31, 2003.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY
ISSUES RELATED TO FOREIGN AND COMMONWEALTH RELATIONS

Hon. Peter A. Stollery: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to Foreign and Commonwealth relations generally; and

That the Committee report to the Senate no later than March 31, 2003.

• (1420)

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Marjory LeBreton: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Marjory LeBreton: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE
OF HEALTH CARE SYSTEM AND TO APPLY PAPERS
AND EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Marjory LeBreton: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the state of the health care system in Canada. In particular, the Committee shall be authorized to examine:

- a) The fundamental principles on which Canada's publicly funded health care system is based;
- b) The historical development of Canada's health care system;
- c) Health care systems in foreign jurisdictions;
- d) The pressures on and constraints of Canada's health care system; and
- e) The role of the federal government in Canada's health care system;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than June 30, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit the report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY
DEVELOPMENTS IN THE FIELD OF PERSONAL INFORMATION
PROTECTION AND ELECTRONIC DOCUMENTS

Hon. Marjory LeBreton: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the developments since Royal Assent was given during the Second Session of the Thirty-sixth Parliament to Bill C-6, an Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revisions Act; and

That the Committee table its final report no later than June 30, 2001.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY
OPPORTUNITIES TO EXPAND ECONOMIC DEVELOPMENT OF
NATIONAL PARKS IN THE NORTH AND TO APPLY PAPERS AND
EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Thelma J. Chalifoux: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report upon the opportunities to expand economic development, including tourism and employment, associated with national parks in Northern Canada, within the parameters of existing comprehensive land claim and associated agreements with Aboriginal Peoples and in accordance with the principles of the *National Parks Act*;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the second session of the Thirty-sixth Parliament be referred to the Committee; and

That the Committee submit its final report no later than September 28, 2001.

PUBLIC SERVICE WHISTLE-BLOWING BILL

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE
COMMITTEE TO APPLY PAPERS AND EVIDENCE ON STUDY OF BILL
DURING PREVIOUS SESSION TO STUDY OF CURRENT BILL

Hon. Lowell Murray: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the papers and evidence received and taken by the Standing Senate Committee on National Finance during its consideration of Bill S-13, Public Service Whistle-blowing Act, in the Second Session of the Thirty-sixth Parliament be referred to the Committee for its present study of Bill S-6, Public Service Whistle-blowing Act.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Leonard J. Gustafson: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it; and

That the Committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Leonard J. Gustafson: Honourable senators, I give notice that on Tuesday next, February 27, 2001, I will move:

That the Standing Senate Committee on Agriculture and Forestry be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

CANADIAN HUMAN RIGHTS COMMISSION

NOTICE OF MOTION TO HEAR CHIEF COMMISSIONER
IN COMMITTEE OF THE WHOLE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I give notice that on Wednesday February 28, 2001, I will move:

That the Senate do resolve itself into a Committee of the Whole, at a time convenient to the Government and the Chief Commissioner of the Canadian Human Rights Commission in order to receive the Chief Commissioner, Ms Michelle Falardeau-Ramsay, for the purpose of discussing the work of that Office; and

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Nicholas William Taylor: Honourable senators, I give notice that Tuesday next, February 27, 2001, I shall move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Nicholas William Taylor: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MATTERS RELATED TO MANDATE AND TO RESUME STUDY ON NUCLEAR REACTOR SAFETY AND APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Nicholas William Taylor: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine such issues as may arise from time to time relating to energy, the environment, natural resources, including the continuation and completion of the study on Nuclear Reactor Safety;

That the papers and evidence received and taken on the subject of Nuclear Reactor Safety during the Second Session of the Thirty-Sixth Parliament be referred to the Committee, and

That the Committee report to the Senate no later than December 15, 2002.

PRIVILEGES, STANDING RULES AND ORDERS

REPORT PURSUANT TO RULE 104 TABLED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Jack Austin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Privileges, Standing Rules and Orders, which deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

FOREIGN AFFAIRS REPORT ENTITLED "THE NEW NATO AND THE EVOLUTION OF PEACEKEEPING: IMPLICATIONS FOR CANADA"

NOTICE OF INQUIRY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that on Tuesday, February 27, 2001, I will call the attention of the Senate to the seventh report of the Standing Senate Committee on Foreign Affairs entitled, "The New NATO and the Evolution of Peacekeeping: Implications for Canada."

ISSUES IN RURAL CANADA

NOTICE OF INQUIRY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that on Tuesday, February 27, 2001, I will call the attention of the Senate to issues surrounding rural Canada.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— AUTHORITY TO DISREGARD PROCUREMENT PROCESS OF TREASURY BOARD GUIDELINES

Hon. J. Michael Forrestall: Honourable senators, a few moments ago I put on the record the definitive policy with respect to procurement as taken from the policy objective of the government with respect to the awarding of contracts in the prosecution of public works.

Yesterday, I confused the Leader of the Government in the Senate, for which I apologize. I think she has now had a chance to reread the written word, and I hope it is more clear.

• (1430)

I took the liberty of sending to the leader's office, as she had requested, the first few documents that came to my attention. If she wants the other 1,500 pages, I would be pleased to send them to her.

Believe me, honourable senators, I have that many.

Treasury Board guidelines 9.1.1 and 9.1.2 emphasize that the Crown must conduct capital procurements — such as the \$2.9-billion Maritime helicopter project — based upon “best value” to the Canadian taxpayer and must consider all relevant costs, including commonality. Commonality is simply the savings you get if you have a common piece of equipment, instead of two or three different pieces of equipment which require differently trained individuals to handle different components and so on.

This question concerns many of us at this stage: What minister or ministers of the Crown decided to overrule their own Treasury Board guidelines? Was it simply the Prime Minister himself who issued a directive?

I find it very difficult to understand. I ask that question against a particular background for purposes of demonstration. I do not particularly want to table my documentation or read or quote from it but, believe me, honourable senators, it does exist. I would like to know how easy it is to override a three-star general and to avoid talking to the Minister of National Defence, the Minister of Public Works and Government Services, and any other ministers involved in the Maritime helicopter project. What type of authority and power does it take to do that? What type of sheer guts does it take to override, without any consideration, with no public dialogue or debate, the government's own policy guidelines with respect to purchases?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question and, in particular, for the material he sent me yesterday afternoon. I received it in the chamber and read it during yesterday afternoon's deliberations.

My difficulty in answering the question of the honourable senator, frankly, comes from the notion or the belief which he clearly holds, that the Treasury Board Guidelines as laid out in 9.1.1 and 9.1.2 have been overridden. The information I have is that they have not been overridden.

Senator Forrestall: Honourable senators, tell me, am I dreaming? Does the term “lowest price compliance” mean anything to the Leader of the Government in the Senate? Has she not heard that statement time and time again? Is she not familiar with it? If she is, would she not admit that that does not comply with the policy guidelines which, as I indicated, clearly talks about best value, not lowest cost.

Commonality deals with the cost of parts, supplies, engineering and maintenance work on these individual pieces of

equipment to the end of their life cycles. Compliance with best value has clearly been circumvented. We now have a deliberate attempt, in my judgment — and many others would agree — to prevent the EH-101 group from competing for the helicopter replacement program and, in so doing, it will render an uneven playing field for the rest of the contenders for this piece of equipment.

Senator Carstairs: The honourable senator clearly believes that certain decisions have been made that are outside the guidelines established by Treasury Board. My information is that no such decisions have been made, that there has been no deviation from the Treasury Board Guidelines by the use of phrases such as “lowest price compliance,” which, as I understand it, is not incompatible vocabulary with the Treasury Board Guidelines.

Senator Forrestall: Honourable senators, this is becoming ludicrous. The debate on this issue has deteriorated to a level that I find somewhat insulting as a senator from Dartmouth Nova Scotia. I have in the midst of my region the Sea King helicopters at CFB Shearwater. I have lived with these things for over 40 years. The Leader of the Government is from Halifax. She knows about the Sea Kings and has seen them flying up and down Halifax Harbour.

I have three pages of e-mails in my possession that put me in a very difficult position. Do I believe what I read or do I believe the minister? I have no basis on which to disbelieve the minister. I have to accept her word. However, I wonder if she can help me clear up the dilemma I have. I have three pages of e-mails.

Hon. John G. Bryden: Table them. Can you not table them?

Senator Forrestall: I am not going to table them. Do not be flippant with me.

Senator Bryden: Why not? Where do you get all this information besides the officers' mess?

Senator Forrestall: I have three pages of e-mails.

Senator Bryden: Let's see those e-mails.

Senator Forrestall: I will send them over to you and you can deal with them, okay? You can make them public if you want.

Senator Bryden: Sure, absolutely.

Senator Forrestall: That is something you would do.

Senator Bryden: You are right. If you are going to question the Leader of the Government in the Senate about something she cannot see —

Senator Forrestall: Could you ask the pit over there to be quiet for a minute, Your Honour, while I ask my final question?

Senator Bryden: I have been called worst.

Senator Forrestall: In the old days, my seatmate in the other place, who was a distinguished member of Parliament from Cape Breton, used to say when this sort of thing would go on, "Mr. Speaker, when the snake pit quiets down, I will ask my question." Let me ask my question now.

The Hon. the Speaker: If I can help a little, honourable senators, I call for order. Our Question Period is quite free in terms of the give and take that we allow. However, I want to remind honourable senators of the provisions of rule 24(4) which deals with this question:

A debate is out of order on an oral question, but brief explanatory remarks may be made by the Senator who asks the question and by the Senator who answers it.

This is a reminder not just to those who put the questions but to those who respond. I guess that is you, Senator Carstairs. I note that sometimes when heckling occurs it is a sign that a question is entering into the area of debate, and the same might occur also in the answer.

I remind honourable senators that debate is inappropriate during Question Period. May we please have order now.

Senator Taylor: He was not debating. He was just rattling his cage.

• (1440)

Senator Forrestall: Honourable senators, the burden of this question is simply based upon information that I have in my possession, messages between senior project staff in the Maritime Helicopter Project Office, the Director General Air Force Development, and Director General Operational Research. Among other things, this information is an attempt to force simulations that violate the wishes of the Chief of the Maritime Staff and the Chief of the Air Staff and that are considered to be of "dubious value" and to "violate flight safety" regulations. They are also complaining about attempts to force simulations based on smaller aircraft. This is clear evidence of a concerted approach to skew the Statement of Requirement against a larger aircraft, the EH-101 in this case.

Will the minister tell us who directed this tampering over the heads of the Chief of the Maritime Staff and the Chief of the Air Staff with a military requirement we were told was sacred? Who did it?

Senator Carstairs: The honourable senator is making some very serious allegations on the floor of this chamber this afternoon.

Senator Forrestall: Of course they are serious.

Senator Carstairs: I must tell the honourable senator that I have not heard any of the information that he has brought to the floor of this chamber. This is the first time that I have heard such information.

I intend to raise these allegations with the appropriate minister. I shall attempt to get answers for the honourable senator and bring those answers back to this chamber.

I should also tell the honourable senator that, clearly, in the range of very detailed information, I will do my best for every single member of this chamber, but if it is expected that I will have detailed information about procurement strategies of one particular piece of military equipment, then I am afraid that is not within my realm of expertise or my knowledge.

FOREIGN AFFAIRS

RUSSIA—INVESTIGATION INTO AUTOMOBILE ACCIDENT INVOLVING DIPLOMAT

Hon. David Tkachuk: Can the Leader of the Government provide honourable senators with an update on the case of the Russian diplomat, Mr. Knyazev, who is accused of the death of an Ottawa woman, Catherine MacLean, and the injury of another, Catherine Doré?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. The official information that I can give him, outside of media stories, which have added some additional information or speculation, is that the investigation is presently ongoing in Moscow by the appropriate police authorities. They are accepting the information provided by what I believe is now the Ottawa police force and are reviewing that information. If the appropriate authorities in Moscow believe that that information is appropriate to their legal system, charges will be laid.

Senator Tkachuk: Honourable senators, it seems Mr. Manley, our Foreign Affairs Minister, has been quite adamant in a wish to have this diplomat charged and tried in Canada. In *The Globe and Mail* of February 17, in the second paragraph of a story by Geoffrey York and Colin Freeze, it states:

Mr. Knyazev faces no more than a five-year sentence if convicted, along with a three-year driving ban after leaving jail. Mr. Manley said that up to five years in a labour camp could be "comparable" to what Mr. Knyazev would receive if he were convicted of a similar offence in Canada.

Is it still the wish of the government — this is rather unprecedented — to have him brought back to Canada, charged and tried?

Senator Carstairs: Honourable senators, the honourable senator has asked if that is the wish of the government. It certainly was the wish of the government while the individual was present within Canada. My understanding is that now that he has exercised his immunity and has left the country, there is no way that he could be brought back to Canada to face charges. We have the assurance not only of the ambassador but also of the Moscow authorities that they are proceeding with a review of this case. If they think it is valid, charges will be laid.

Senator Tkachuk: I have a supplementary question. Honourable senators, perhaps the minister might inform Mr. Knyazev of some possible results if he were tried in Canada. I decided to look up a number of cases.

In *R. v. LeBeau*, December 13, 1999, Ontario Supreme Court, a young female accused drank alcohol at a party, drove at a high speed and lost control, with the result that one passenger was killed and another seriously injured. She received four years.

In *R. v. Mould*, December 10, 1999, the accused, 25, drank alcohol — blew .207 — and drove into a lamp standard, killing one passenger and injuring another, resulting in a 15-month conditional sentence.

In *R. v. Tran*, October 28, 1999, Ontario Supreme Court, there was a charge of impaired driving causing death. The accused drank to the point of impairment, and his vehicle collided with another, killing his passenger and injuring another. The sentence was two years less one day conditional sentence.

In *R. v. Forward*, March 1, 2000, in a British Columbia: The accused, 32, who had an extensive criminal record, drank to point of impairment, with a blood-alcohol content .13 to .15. His vehicle left the road and hit a culvert, killing his young daughter who was a passenger in his vehicle. The accused had never had a driver's licence and was driving an uninsured vehicle. The sentence was two years less one day conditional.

It seems to me that if you were to inform the Russian diplomat of how we deal with people who are drinking and kill people on the highways, he would be on his hands and knees begging to be tried in this country.

I ask again: Is it still the wish of the Canadian government to have Mr. Knyazev tried here in Canada rather than in Russia?

Senator Carstairs: The situation is as I stated it originally. It was not the desire of the Canadian government for the Russian government to allow Mr. Knyazev to use diplomatic immunity. That was out of our hands. The decision was made by the Russian government, and therefore Mr. Knyazev was outside of the country within a matter of hours.

We now have to accept, I hope at face value, that the Russian procurator general's office has opened a criminal case. We know that that has happened. The chief investigative board of the Moscow city police has begun that investigation. It is our hope that they will indeed press on with that case, and that, in this case, Mr. Knyazev will receive the appropriate sentence as set forth by their judicial system.

Senator Tkachuk: I should like to ask one more question, then. Why would Mr. Manley leave the impression with the Canadian people and with the family of the deceased and the injured woman that somehow, in Canada, our punishment for people who do these kinds of things would be equivalent to five years in a labour camp or would be comparable to what Mr. Knyazev would receive if he were convicted of a similar offence in Canada when he knows that that is not true?

Senator Carstairs: The honourable senator is quoting from an article that I have not read, and therefore I cannot answer for his statements on that particular situation.

[Translation]

PRIVILEGES, STANDING RULES AND ORDERS

PRIORITY OF MOTION TO CREATE SENATE OFFICIAL LANGUAGES COMMITTEE

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Chairman of the Standing Committee on Privileges, Standing Rules and Orders. On Tuesday, the Senat referred to the committee chaired by the honourable senator motion that I had moved, seconded by Senator Comeau, to create a Standing Senate Committee on Official Languages.

During yesterday's meeting, the chairman tabled the committee's future agenda. Neither my motion nor that of Senator Comeau is mentioned. I know that, yesterday, the Deputy Leader of the Government, Senator Robichaud, moved a motion to amend certain paragraphs of rule 86 and to create a committee on defence and security and another on human rights.

• (1450)

Who has priority in the committee? Will the motion to create an official languages committee be a priority for the Standing Committee on Privileges, Standing Rules and Orders or, a Senator Corbin said yesterday, will it be put on the back burner until we have more time to create that committee? I would appreciate an answer to that question.

[English]

Hon. Jack Austin: Honourable senators, I am not sure that Senator Gauthier will be entirely satisfied with my answer, but it must be that the priorities of the work of the committee are set by the committee itself. We shall have a discussion next Wednesday which Senator Gauthier can lead, with respect to how the committee should set its priorities. The meeting has a substantial agenda.

I am aware, as members of the committee are aware, that Senator Gauthier's motion on official languages is for a committee of this chamber only, whereas there is a rule providing for a joint committee on official languages. I believe that the Rules Committee, when it meets, will need to hear from Senator Gauthier as to why he believes this chamber should not cooperate in the customary joint committee on this topic.

I would invite Senator Gauthier, at next Wednesday's meeting to address the question of priorities, and that matter will be disposed of by the committee. If by that time we are operating under an injunction from this house to present a report by March 27 on the motion now before the house, then I believe the committee must perforce give that particular item priority.

[Translation]

Senator Gauthier: I simply want to quote what the Deputy Leader of the Government said in reply to the question: "Only the chair of the committee may do that."

I asked a question and, of course, the Deputy Leader of the Government did not give me a reply. It is not the committee, but its chairman that will decide. Now, if the chair wishes to have a debate in committee, we will have one, but he will have to assume his leadership regarding this issue.

Who will decide whether my motion of last Tuesday takes precedence over the motion moved by Senator Robichaud on Wednesday?

[English]

Senator Austin: Honourable senators, to repeat, I believe that under our procedure the committee has the conduct of the business of the committee, and therefore the question will be raised at the Rules Committee meeting next Wednesday. I have, in my previous answer, invited Senator Gauthier to open the debate on what priority his motion should have in the total business of the committee. I do not think I can give any other answer.

Hon. Eymard G. Corbin: Honourable senators, in view of Senator Austin's first response to Senator Gauthier's, to the effect that we would be bound by a rule of the Senate, I should like to ask Senator Austin if he is aware that the Official Languages Act provides for either a committee of the Senate on official languages, a committee of the House of Commons on official languages, or a joint committee of both Houses? Presuming that Senator Austin may be aware of that, I would expect the committee to take that into account in its deliberations.

Senator Austin: Honourable senators, I thank Senator Corbin for his question. The honourable senator states that there is enabling legislation, and, under that enabling legislation, this house and the other House have established a joint committee. We also have the authority to establish our own committee. What we wish to do will be the subject of discussion in the meeting of the Rules Committee, and it is my hope that we will be able to report a conclusion that has the support of the house.

PUBLIC SERVICE COMMISSION

VISIBLE MINORITIES—JOB DESCRIPTION ON WEB SITE

Hon. Donald H. Oliver: Honourable senators, my question is to the Leader of the Government in the Senate. Earlier today, I was handed a document that purports to be a job opening

advertisement taken from the Government of Canada Web site. These jobs to which I refer are in the Public Service Commission and are for visible minorities only, referred to as "non-whites." The advertisement indicates that the salary range for these Public Service Commission jobs is between \$30,000 and \$38,000 and that the language requirement is English. The advertisement also indicates who can apply. The Public Service Commission of Canada is now recruiting to establish an inventory of qualified, visible-minority candidates for future temporary positions in the federal government departments in Nova Scotia.

Honourable senators, I ask the Leader of the Government whether it is common practice to advertise in this way? Does the government advertise for permanent jobs for visible minorities in the same way?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to answer the first part of the honourable senator's question, it is my understanding that that is a common practice. I do not know whether it is a common practice for permanent employees, but my understanding is that it is also the form used. However, I will clarify that and bring an answer back to the honourable senator.

PRIVILEGES, STANDING RULES AND ORDERS

PRIORITY OF MOTION TO CREATE SENATE OFFICIAL LANGUAGES COMMITTEE

Hon. Gerald J. Comeau: Honourable senators, I shall put my questions on the record and Senator Austin can read the questions that he was not able to answer here.

Will the Standing Committee on Privileges, Standing Rules and Orders evaluate why the human rights and national defence committees are to be formed directly from the floor of the Senate? Why was Senator Gauthier's proposal regarding the official languages committee referred to the Standing Committee on Privileges, Standing Rules and Orders? Why was Senator Gauthier's request for a standing committee on official languages referred to the Rules Committee and not the other two committees? In my opinion, that is somewhat of an insult to the Rules Committee.

Also, when Senator Austin does invite Senator Gauthier to explain why an official languages committee strictly of the Senate should be formed, I should like to participate in that debate as well. I have sat for many years on the joint committee, and, trust me, honourable senators, a standing committee of the Senate would be much more effective than what takes place in the other House. I will, I hope, be able to make that distinction clearly before the honourable senator's committee.

Hon. Jack Austin: I thank Senator Comeau for his question. With regard to the first part of the honourable senator's question, the order was sent to the Rules Committee by this house, and I have no further comment on that subject.

With regard to the second part of the honourable senator's question, I shall specifically ensure that the honourable senator is invited to the Rules Committee to participate in that discussion. As I said earlier today, Senator Gauthier is essentially asking for a variation on the practice that we have followed in this house of supporting a joint committee, and I believe the onus for change depends on Senator Gauthier. If the Honourable Senator Comeau is willing to support the view of Senator Gauthier, I am sure it will be of great interest to the Rules Committee.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have two delayed answers. The first is to a question raised by Senator Gauthier on February 8, 2001, concerning the Department of Transport's official languages policy. The second is to a question raised by Senator Gustafson on February 6, 2001, concerning government subsidies for grain farmers.

TRANSPORT

AIR CANADA—SURVEY TO DETERMINE LEVEL OF BILINGUAL SERVICE

(Response to question raised by Hon. Jean-Robert Gauthier on February 8, 2001)

The government has a very clear policy with respect to Air Canada and the *Official Languages Act*.

When the *Air Canada Public Participation Act*, which set out the framework for the privatization of Air Canada, came into force in August, 1988, it made Air Canada subject to the full application of the *Official Languages Act*. In the period which followed, Air Canada conducted surveys to determine where the demand for its services in French met the thresholds set out in the *Official Languages Act*. On the basis of the information gathered, Air Canada determined where services in French were required by law.

The airline restructuring legislation, Bill C-26, which came into force on July 5, 2000 included amendments to the *Air Canada Public Participation Act* which extended the obligations of Air Canada to include new obligations respecting current and future subsidiaries.

Specifically Air Canada was given the duty to ensure that if air services including incidental services, are provided or made available by a subsidiary, the customers can communicate with and obtain services from it, in either official language in any case where those services, provided by Air Canada, would be required to comply with Part IV of the *Official Languages Act*.

The amendments also provided for limited delays in application as follows: one year for the four western provinces and the three territories; three years from the date that Canadian Airlines and Canadian Regional Airlines became subsidiaries. Services in Central and Atlantic Canada were to be compliant immediately. In addition anywhere that a subsidiary was being substituted for an existing Air Canada service, the obligation was in effect.

There is no ambiguity as to Air Canada's obligation respecting the *Official Languages Act*. There may, however, be a need to confirm where there is significant demand as defined by that Act. The procedures for determining where there is sufficient demand are set out in the regulation made pursuant to the Act for this purpose.

AGRICULTURE

ADEQUACY OF GOVERNMENT SUBSIDIES TO GRAIN FARMERS

(Response to question raised by Hon. Leonard J. Gustafson on February 6, 2001)

The Government is firmly committed to working with its international trading partners to reduce or eliminate trade-distorting agricultural subsidies. The Prime Minister used the opportunity of his first meeting with President Bush to raise this important issue.

Unlike the programs for farmers in the U.S. and the E.U., Canada's programs target government assistance to those who need help most because their income has dropped significantly compared to previous years.

This government signed an agreement last July with the provinces that secured up to \$5.5 billion for agricultural support programs. It includes the core safety net program and the new Canadian Farm Income Program, as the successor to the AIDA program.

As was stated in the Speech from the Throne, the Government will help the sector "...move beyond crisis management" and ensure that Canada's agricultural sector continues to be competitive and strong.

[English]

• (1500)

ORDERS OF THE DAY

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. George J. Furey moved the second reading of Bill S-16, to amend the Proceeds of Crime (Money Laundering) Act.

He said: Honourable senators, I rise today to speak at second reading of Bill S-16. Honourable senators will recall that this proposed legislation was introduced in the last Parliament but died on the Order Paper when an election was called.

By way of background, this proposed legislation will be welcomed by honourable senators irrespective of party. Honourable senators will recall that Bill C-22, the Proceeds of Crime (Money Laundering) Act, received Royal Assent last June. Honourable senators will also recall that, when Bill C-22 was before the Standing Senate Committee on Banking, Trade and Commerce, the Secretary of State for International Financial Institutions made a commitment to clarify the legislation by including several amendments requested by the committee.

These amendments were introduced last fall as Bill S-20. The bill before us today has a new number, but its proposed legislation is the same as that of its predecessor, Bill S-20.

[Translation]

Before addressing the merits of this bill, I should like to take time to refresh our memories and to place these measures in their proper perspective.

[English]

Bill C-22 was necessary for several reasons. Money laundering, the process by which "dirty money" from criminal activities is converted into assets that cannot be easily traced back to their illegal origins, did not become a crime in Canada until 1988.

Canada has had many of the building blocks of an anti-money laundering program in place, within the Criminal Code and the previous Proceeds of Crime Act, since then, but much more was required to combat a growing problem.

Money laundering and the cross-border movement of proceeds of crime are worldwide problems and have become increasingly difficult to detect and deter. Open borders now provide criminals with a daily opportunity to launder millions of dollars in illegal profits, the intent always being to make the profits look legitimate. Without adequate measures in place to deter and

detect money laundering, these activities can undermine the reputation and integrity of financial institutions and can distort the operation of financial markets.

Here at home, between \$5 billion and \$17 billion in criminal proceeds are laundered through Canada each year, a significant portion of which is linked to profits from drug trafficking and, to a lesser degree, other crimes such as burglaries and cigarette smuggling.

[Translation]

Standard methods of detecting these activities are gradually losing their effectiveness.

[English]

Canada has also been subject to scrutiny internationally because of perceived gaps in our anti-money laundering arrangements. In 1997, the 26-member financial action task force on money laundering, of which Canada is a founding member, indicated that Canada was lacking in certain key areas and strongly encouraged us to make improvements to our anti-money laundering regime, in line with international standards.

[Translation]

That is precisely why Bill C-22 was passed by Parliament.

[English]

That legislation strengthened the previous statute by adding measures to improve the detection, prevention and deterrence of money laundering in Canada. It promises to give law enforcement agencies much needed enforcement tools. It provided for mandatory reporting requirements for suspicious transactions and the cross-border movement of currency and it established a national financial information agency, all of which enables Canada to live up to its international commitments.

As required by law, the proposed regulations for reporting financial transactions, client identification, record keeping and compliance were published for public comments on February 17, 2001, in the *Canada Gazette*, bringing us one step closer to fully implementing the act.

Another measure requires the reporting to the Canada Customs and Revenue Agency of large cross-border movements of cash or monetary instruments such as travellers' cheques. Failure to comply may result in cash being seized if Customs suspects it represents the proceeds of crime.

Consultations are underway aimed at developing regulations to implement this additional reporting requirement.

[Translation]

The Financial Transactions and Reports Analysis Centre of Canada was created on July 5, 2000.

[English]

This centre is referred to by the English acronym FINTRAC. This new independent body receives and analyzes reports, and, where it determines that there are reasonable grounds to suspect that information would be relevant to a money laundering investigation or prosecution, it passes on information to the appropriate law enforcement agencies. However, FINTRAC is restricted to disclosing only key identifying information related to reported transactions, such as the name of the client, the number and location of the account involved, and the actual amount of the transaction.

I can assure honourable senators that safeguards are in place to ensure that the collection, use and disclosure of information by FINTRAC are strictly controlled. These safeguards are supported by criminal penalties for any unauthorized use or disclosure of personal information under FINTRAC's control. In addition, FINTRAC is subject to the federal Privacy Act and the many protections therein.

I would also point out to honourable senators that the government is cognizant of the fact that the implementation of the act and regulations will impose additional responsibilities on financial institutions and financial intermediaries. As a result, FINTRAC is currently developing guidelines to help them comply with these new requirements.

The new legislation responds in a balanced manner to the need for more effective tools to combat money laundering and organized crime, the need to protect individual privacy and the need to minimize compliance costs for reporting entities.

This new act has been welcomed for several reasons. It responded to the domestic law enforcement communities' need for additional means of fighting organized crime by more effectively targeting the proceeds of crime.

[Translation]

It enables Canada to meet its international responsibilities relating to money laundering.

[English]

It did so while providing safeguards to protect individual privacy.

Honourable senators, I have provided some background to the bill before us today. This bill implements some technical measures that clarify the current act. I will now focus my remarks on these measures.

As stated earlier, Bill S-16 fulfills the commitment made by the Secretary of State for International Financial Institutions last spring on behalf of the government to the Standing Senate Committee on Banking, Trade and Commerce to introduce specific amendments to the Proceeds of Crime (Money Laundering) Act.

While senators on the committee supported Bill C-22, the indicated that the legislation would benefit from amendments to certain provisions and, indeed, the government agreed.

[Translation]

The proposed amendments relate to four specific points.

[English]

The first deals with the process of claiming solicitor-client privilege during a FINTRAC audit. FINTRAC is authorized to conduct audits to ensure compliance with the act. The legislation currently contains provisions that apply when FINTRAC conducts a compliance audit of a law office. FINTRAC must provide a reasonable opportunity for legal counsel to claim solicitor-client privilege on any document it possesses at the time of an audit.

• (1510)

The amendment in Bill S-16 pertains to documents in the possession of someone other than a lawyer. It requires that a person to be given a reasonable opportunity to contact his solicitor in order to make a claim of solicitor-client privilege. This amendment responds to a concern raised at committee during consideration of Bill C-22.

Another change ensures that there is nothing in the act that would prevent the Federal Court from ordering the director of FINTRAC to disclose certain information as required under the Access to Information or Privacy Acts.

[Translation]

This amendment specifies that an individual's recourse to the federal court will be respected. This measure has always been part of the spirit of the law and the amendment will provide guarantees of this.

[English]

The third amendment more precisely defines the kinds of information that may be disclosed to the police and other authorities specified in the legislation. It clarifies that the regulations setting out this information may only cover similar identifying information regarding the client, the institution and the transactions involved.

Finally, the act is amended to ensure that all reports and information in FINTRAC's possession will be destroyed after a certain period. Information that has not been disclosed to police or other authorities must be destroyed by FINTRAC after five years; information that has been disclosed must be destroyed after eight years.

I am confident that all honourable senators will conclude that these new provisions serve to strengthen the existing act.

[Translation]

In the committee report, the senators also called upon the government to give thought to three additional recommendations.

[English]

After serious consideration, the government has decided not to proceed with these three additional recommendations.

First, the Senate committee report recommended that FINTRAC be required to obtain either consent or a warrant before entering a law office to verify compliance with the act, similar to what is required before entering a private home. The government believes that it would be inappropriate to require a warrant to conduct a compliance audit of any place of business, including a law office. The provisions in the current act parallel those in the Income Tax Act, which do not require a warrant except for access to a dwelling house. That remains the same.

Second, senators requested that a parliamentary committee review the administration and operation of the act within three years and every five years thereafter. At present, the act requires a review after five years. The government feels that a five-year review is better for a number of reasons. Most importantly, there will not be enough experience or data available in the three start-up years to provide an accurate assessment of the effectiveness of the legislation or the operations of FINTRAC.

As honourable senators know, parliamentary committees can undertake a review of legislation at any time and can opt to do so any time in this case.

[Translation]

Last, the senators recommended that the regulations should also be tabled before a committee in each House of Parliament.

[English]

This act currently stipulates a 90-day public consultation period following pre-publication of the regulations in the *Canada Gazette*. This is already on the way with respect to the reporting requirements for financial institutions and transactions and an additional 30-day notice period if significant changes are made as a result of those consultations is provided for as well.

We believe that this provides ample opportunity for parliamentary committees — if they wish to do so — to review the regulations proposed by government.

Honourable senators, will know that in the normal course, regulations are posted for 30 days. In the case of this particular bill, posting is extended to 90 days.

Honourable senators, the benefits of the current act are numerous. The new reporting requirements will result in more reliable, timely and consistent reporting. Centralized reporting to FINTRAC will allow much-needed and much more sophisticated

analysis. Successful prosecutions that benefit from analysis by FINTRAC can lead to court-ordered forfeiture of the proceeds of criminal activities. Above all, these benefits will be achieved in a way that respects the privacy of individuals.

Honourable senators, I am confident that the additional amendments contained in Bill S-16 will only serve to further strengthen and improve this important statute. The government is most appreciative of the members of the Standing Senate Committee on Banking, Trade and Commerce for their contribution to making the act an even better and stronger piece of legislation.

[Translation]

I invite all honourable senators to vote in favour of this bill.

[English]

Hon. Lowell Murray: Honourable senators, does my honourable friend know whether, in view of the pitiable and unprecedented low value to which our currency has sunk, whether a more favourable exchange rate is available for hot Canadian dollars?

Senator Furey: I think that is an important question, honourable senators. I will take it under advisement.

On motion of Senator Kinsella, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

MOTION TO INSTRUCT COMMITTEE TO REVIEW NUMBER OF COMMITTEE MEMBERS FOR STANDING COMMITTEES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Ferretti Barth:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the maximum number of Senators for each of the several standing committees provided for in Rule 86(1); and

That the Committee report its findings to the Senate no later than Tuesday, March 27, 2001.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, yesterday, just prior to having moved the adjournment on the debate on this motion, we had an informative exchange with the mover of the motion, Senator Robichaud, and a number of important points were made.

I have four points to make in relation to this motion.

First, I should like to make it perfectly clear that I have no problem with the principle of the Standing Committee on Privileges, Standing Rules and Orders dealing with issues such as this. That is, indeed, the proper place for the detailed analysis of our committee structure, scheduling, numbers, reform, et cetera, to be deliberated.

Second, from a logical analysis of where we are, based upon the discussion yesterday and, indeed, the exchange between honourable senators and the Chair of the Standing Committee on Privileges, Standing Rules and Orders, all of which indicates that we will not be able to determine the number of members on committees until we know exactly the number of committees we will have. Yesterday, Senator Robichaud gave us his mathematical analysis, with which I do not quarrel, but I am not too sure what the denominator was. Was the denominator the 12 committees provided for by our rules as of today? Or is it the 13 possible committees, with the addition of the committee proposed by the Honourable Senator Gauthier? Or is it 15 committees, including the Official Languages Committee, as well as the proposed committees that are on the Order Paper, those dealing with national defence and human rights?

I do not know how the Rules Committee would be able to come to a conclusion about the number of members on the committees based on the analysis that Senator Robichaud has advanced because he did his division in terms of a certain number of committees and we do not know yet whether it is 15, 14, 13 or 12.

• (1520)

The third point I wish to bring to this debate is it would be difficult for the Rules Committee to be given this instruction and to report back within a given time frame if we are not clear on how many time slots exist in the week for committee work.

By way of colourful comment and somewhat in jest, I made a reference yesterday to the point that perhaps there is a positive correlation between the numbers, attendance at committees — one might even say in the chamber — and the Air Canada schedule, and that I really should be studying the Air Canada schedule first in order to determine when committees might meet. It does underscore the question of how many time slots we are dealing with in the run of a week. Are we dealing with a five-day week, a four-day week or a three-day week? It seems to me that the Rules Committee will have to have all of the elements on the table in order to arrive at an agreed conclusion in dealing with committees.

The final point is the timeline. Senator Robichaud's motion in the last paragraph states that the committee must report its findings to the Senate no later than Tuesday, March 27. We are here next week. There is anticipation that we shall not be here the week after. I suspect, based on historical precedents, the Rules Committee will not be sitting during the first week of March when the Senate is expected not to be sitting. That means it has two weeks "after we come back" to do its work. At the very least, I will move an amendment to strike out that last paragraph.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Thus, honourable senators, I move, seconded by Senator Cohen:

That the motion be amended by deleting the last paragraph thereof, namely, that the committee report its findings to the Senate no later than Tuesday, March 27, 2001.

Hon. Senator Shirley Maheu (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Eymard G. Corbin: Honourable senators, I should like to say a word about this matter. I am almost tempted to amend the amendment by rewording, in the third paragraph, the last sentence of Senator Robichaud's motion so that it would read that the committee not report until it has dealt with Senator Gauthier's motion requesting the establishment of an official languages committee in the Senate. I think we need some order and some prioritization of our work around here. Senator Gauthier's motion is now an order of the Senate, and that order of the Senate requests that the Rules Committee study his proposal and report — and I would hope diligently, expeditiously — so that these matters do not pile up in some kind of a picnic basket where each player picks his own raspberries or strawberries and sandwiches. Let the Senate itself decide what the priorities are. That is why we have meetings and sessions here.

We have a tendency to send things to committee. The leadership, of course, has a role to play. It is here to sustain the government but it should also at times speak on behalf of the collectivity of the Senate. This issue of the establishment of an official languages committee has been hanging around this place for a while. Many senators who have worked on that committee, indeed many senators who have accepted conditionally to go back to that committee, are far from happy with it. What other signals does this house require? There is something wrong in the way that that committee functions.

[Translation]

I could shake things up here, if I wanted, but I support the government and it is not my practice to oppose its stand. I do not intend to do so, but I take this opportunity to send a message. The francophone minority in this country is tired of putting its fate in the hands of a majority that has no sense of its problems. The standing joint Senate and Commons committee is not doing anywhere near the work needed to meet the expectations of our communities. Senator Gauthier, other senators, and I have the interest of these people at heart. Something is not working. Do you understand? We want action! I do not want to have to oppose the government's position, but before I give my approval, I will speak on behalf of my constituents. We have had enough of this procrastination! We want decisions.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): I move the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Is there agreement among the whips on how long the bells should ring?

There being no agreement among the whips, we will have a one-hour bell, as provided in the rules.

• (1630)

The Hon. the Speaker: The question is on the motion to adjourn the debate.

Motion negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Beaudoin	Lynch-Staunton
Cohen	Murray
DeWare	Oliver
Keon	Spivak—11
Kinsella	

NAYS

THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Bacon	Maheu
Banks	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Molgat
Cook	Moore
Cools	Pépin
De Bané	Poulin
Fairbairn	Robichaud
Ferretti Barth	Rompkey
Finnerty	Stollery
Fraser	Taylor
Gill	Watt
Grafstein	Wiebe—33
Graham	

ABSTENTIONS

THE HONOURABLE SENATORS

Corbin
Gauthier—2

The Hon. the Speaker: Honourable senators, the motion to adjourn is defeated. We will resume debate.

Hon. Lowell Murray: Honourable senators, first, let me say how dismayed I have been in the last few days to hear what I have heard from several honourable senators about what has been going on or not going on in the Standing Joint Committee on Official Languages. The testimony that we have heard from Senator Gauthier and Senator Corbin comes from two parliamentarians who have no peer when it comes to commitment to linguistic justice in this country and experience with this very important issue. Therefore, I accept as authoritative their verdict on the failure, if that is what it is, of the joint committee to do its job.

I am embarrassed to say that it is almost 17 years since I paid very close attention to what is going on in that joint committee. However, as some honourable senators know, I have some history on the matter. The joint committee was initially set up not long after the 1980 election, first as a special joint committee and, later, as a standing joint committee of Parliament.

I do not know whether it was Senator Joyal's concept or not, but I do recall quite well that it was Senator Joyal who came to see me about it. He was then a minister of the Crown in the Trudeau government. I presume he had canvassed the matter not only with his own colleagues in the Liberal caucus and cabinet but also with Conservatives and New Democrats in the House of Commons.

In any case, the proposition he put to me was that we should establish such a committee of the Senate and House of Commons; that there should be co-chairmen — of course, one from each House — that one of the co-chairs ought to be a francophone and a member of the government party; and that the other ought to be an anglophone and a member of the official opposition.

I became the first co-chairman from the Senate, not, I hasten to say, because of any enormous talent or experience that I had. Rather, the job description was for a more or less bilingual anglophone Tory senator, and there was only one person in the whole wide world at that moment in history who fitted the job description.

• (16:40)

Senator Corbin, then a member of the House of Commons from Madawaska County in New Brunswick, became the first co-chairman from the House of Commons. Later, when he succeeded to the deputy speakership of the House of Commons, he was replaced by Senator Gauthier, who was then also a member of the House of Commons for Ottawa—Vanier.

Max Yalden was the Commissioner of Official Languages at the time, an experienced public servant and a devoted and excellent servant of Parliament. He viewed the joint committee as a kind of public accounts committee of language matters. We would, and we did, call ministers, deputy ministers, and heads of government agencies before us. We examined them on their plans for ensuring bilingual service to the public, for ensuring equitable representation of the two official languages groups in the public service. We critiqued their performance. We had them back repeatedly to discuss what they were doing. We made numerous recommendations in what became annual reports to Parliament and to the government.

I think we can modestly say that it was an important committee that was taken seriously by parliamentarians and, in particular, by the government. Senator Gauthier will recall correspondence that he and I had with Prime Minister Trudeau about various amendments that we wanted made to the Official Languages Act and about Mr. Trudeau's view that many of these were already covered by the Charter of Rights and Freedoms.

This dialogue went on for some time. One of the results in the bureaucracy was that before the end of the Trudeau years, a high-level committee of bureaucrats was appointed to review the Official Languages Act. The committee was under the

chairmanship of Gérard Veilleux who was at that time of the Privy Council Office.

I am confident in saying that the work of that committee had a very constructive and beneficial effect on public policy in this country, and on delivering linguistic justice. There is absolutely no doubt that ministers, deputy ministers, and department improved their performance as a result of having to come before us and defend what they were and were not doing and explain to us. Improvements were made in what I may call the "language regime" across this country as a result of the work of that committee.

The experience stood me in very good stead later on. As I said I rather lost track of the committee in the mid-1980s, but as a member of the Mulroney cabinet I was intimately involved in the drafting and all the preparations, again with our friend Mr. Veilleux, who was still in the public service at that time — by that time Secretary of the Treasury Board, I think — in the drafting of the new Official Languages Act, which passed Parliament and which I had the honour of piloting through this house in 1988.

The committee has had a good track record. While I cannot speak for what it has done in more recent years, I always thought that Senator Joyal's concept, if it was a concept, was a sound one, and I think that it worked very well.

I take it that it is beyond salvation. No doubt we will hear more about that in due course, either at the Standing Committee on Privileges, Standing Rules and Orders when we have occasion to discuss it there, or here in the Senate. I would like to hear some firsthand testimony as to what is going on.

It has been suggested to go me that one of the problems with the committee is that in the House of Commons now there are two important political formations that have views that were not widely held in Parliament prior to their coming. One obviously is the Bloc Québécois, who have their own perspective on matters both in Quebec and across the country; and the other is the Canadian Alliance, formerly the Reform Party, which dismisses, as, in the immortal word of Preston Manning, the Plains of Abraham concept of Confederation any thought of minority, linguistic rights across this country. That is sad, but it need not be fatal, I think, to the work of Parliament.

The rest of us have our own views, and I believe those who have taken part in these debates in two chambers of Parliament or in committee are perfectly capable of expressing those views — and perhaps it is not a bad thing at all if we confront those issues openly with the separatist Bloc Québécois on the one hand and the Canadian Alliance on the other. If there is going to be a donnybrook on that matter, let us have the donnybrook. I think that in the end the stronger moral and political case is with those of us who are in favour of linguistic justice across this country, who believe that far from being a departure from the concepts of Confederation, it is an ongoing attempt to fulfill the spirit of Confederation of 1867.

Be that as it may, however, I say again that I have been dismayed by what I have heard about the failure of that committee. I will accept the word of such people as Senator Corbin and Senator Gauthier if they think the joint committee is beyond redemption. However, I deplore that. Surely, if there is one area where it should be possible for our two Houses of Parliament to come together in a civilized and constructive dialogue, it should be that of official languages.

I heard what Senator Corbin said earlier and what others have said on the subject of the motion that is now before us. While one attempt to amend it has been defeated, I am now going to propose another amendment, an amendment that would have the effect suggested in the brief intervention that Senator Corbin made earlier, which is that the Rules Committee not report on the matter now before us until it has first reported on Senator Gauthier's motion.

MOTION IN AMENDMENT

Hon. Lowell Murray: Honourable senators, I move, seconded by the Honourable Senator Oliver, in amendment to the amendment moved by Senator Kinsella:

That all the words after the word "that" at the beginning of the second paragraph be deleted and the following substituted:

That the committee report its findings to the Senate not before it has reported upon the subject matter of Senator Gauthier's motion, as amended by Senator Comeau, to establish a standing committee on official languages.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

• (1650)

Hon. Donald H. Oliver: I move the adjournment of the debate.

Hon. Eymard G. Corbin: This is my first opportunity to question Senator Murray, if I may.

I wish to thank Senator Murray for his kind comments. The honourable senator does not necessarily need to take my word for it, but numerous reports have been made to me by a number of senators who have been active on the committee in recent years.

However, Senator Murray did raise the matter of a confrontational attitude in the light of the presence of a separatist party, which has an agenda that supports linguistic policies in Quebec and does not care much about the rest of the minorities in Canada. On the other hand, we have the Alliance, the former Reform Party, which wants nothing to do about official languages. I need not spell it out here, since honourable senators are familiar with that. Hence, the confrontational attitude.

The House of Commons, as the elected House in Parliament, should not be denied its right to be confrontational about these

issues. However, I do not think that is what honourable senators want to be involved in. We want to look at the deeper fundamentals of the challenges that we are faced with in this country. We want to address the minorities on their own home ground.

The Hon. the Speaker: Honourable senators, I am obliged to advise that the time provided for Senator Murray's intervention, and questions and comments, has expired. Is it your pleasure to give leave to extend the time?

Hon. Senators: Agreed.

Senator Corbin: I will be brief, honourable senators.

I believe the House of Commons is very much the forum in which to be confrontational about issues. That is why there are parties there. On the other hand, in the Senate we are more interested in the long term. We are not elected. We can take the time. We can set up a smaller committee. We need not face the co-chairs' decisions of having to put on the table an important issue and only be given five minutes to deal with that issue and receive inadequate answers. Here in the Senate, honourable senators, we have committed people with respect to these policies. We could set up a smaller committee. This motion is about reducing the number of members on the committee.

For that reason, I am backing Senator Gauthier's motion with vigour. That is why I believe this matter should be given proper attention, which should come as we launch this first session of a new Parliament. This is not something we want to have happen halfway through, perhaps in the midst of a leadership contest in our party.

A number of honourable senators are prepared to focus on this now, give the matter due attention and work on solid reports. It is possible that the government is not anxious to get well-structured and forceful reports. Perhaps it likes the way things are running now. However, I say to Senator Murray that I cannot be satisfied with them.

Senator Murray: Honourable senators, I appreciate the point made by Senator Corbin. First, the honourable senator will recall that when he and I were the co-chairs, and when Senator Gauthier and I were the co-chairs, we did not run that committee with a stopwatch. The stopwatch is a fairly new innovation over in the other place. The chamber itself is programmed. The committees are programmed to a stopwatch. It is not an edifying spectacle at any time. I appreciate what Senator Corbin is saying. The honourable senator would like to have a Senate committee along the model that both of us discussed with Mr. Yalden at the time, one that will be a kind of public accounts committee on language matters, and it is probably a good idea.

That being said, the confrontation of which the honourable senator speaks is a fundamental, indeed, an existential issue, that of language rights in this country. Sooner or later, we shall have it out, and I do not want us to be absent from that debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Hon. Sharon Carstairs (Leader of the Government): Is it not possible to speak to the motion before the vote?

The Hon. the Speaker: Yes, Senator Carstairs.

Senator Carstairs: Honourable senators, there has been expressed, not just in this session but in the last session by Senator Gauthier, and I believe supported by Senator Corbin, a desire to have a stand-alone Senate committee on official languages. I want the Senate to know that I took it upon myself to meet with the Government House Leader to explain to him that the members of the Senate did not think that this committee was functioning well, and that if it continued to function poorly that the senators would wish to establish their own separate committee. I have been given assurances by the House Leader, the Honourable Don Boudria, that every attempt will be made to make this joint committee function as it functioned in the past. However, I have made it clear to him that if that is not the case and if members of this chamber do not see this official languages committee as functioning in an effective way, then senators would wish to move to establish their own committee.

Honourable senators, Mr. Boudria has taken that under consideration. He knows that the chamber is independent on this and can establish its own committee if honourable senators so choose. However, if it is possible I would like to give them some time during this session — perhaps a month or two, or three at the maximum — to clearly give evidence that such a joint committee could be an effective committee. It is my hope that members of that committee, as well as senators who are not members of the committee, would monitor those committee meetings carefully because, as Senator Murray has identified, there are clearly some difficulties that exist today within the House of Commons that did not exist when the committee was first established. I understand, from Senator Corbin's account to me earlier and from Senator Murray's account this afternoon, that the committee has done vibrant work in the past.

Honourable senators, I should like to at least give them some time to make it work. If that is not the way the Senate wishes to proceed, then of course the Senate should do what the Senate chooses to do in this matter. I want to put it on the record that I have had those conversations, that I believe there is, indeed, a desire on the part at least of the Government House Leader in the other place to make this committee work, and to at least give them some time to bring that about.

[Translation]

Hon. Serge Joyal: Honourable senators, since Senator Murray referred to the origin of the Joint Committee on Official Languages and having listened to the remarks by Senators Corbin and Gauthier about the operation of this committee, I should like to share three points with you.

The first concerns the origin of the Joint Committee on Official Languages.

[English]

• (1700)

Some senators who were sitting in the other place some years ago will remember my personal involvement in one major initiative to test the Official Languages Act. When the Official Languages Act was adopted many years ago, it was seen as declaratory legislation — in other words, unenforceable. It stated the principle of equality in Canada of both languages, but it lacked teeth. There was a commissioner appointed under the act who tabled a report in Parliament each year. That report stayed on the table of Parliament. Senator Kinsella, in speaking to Bill S-8 yesterday, described the avenue that most of those reports take in our system — they gather dust on shelves.

I was concerned that the legislation that was so fundamental for the understanding and better living of both linguistic communities could not get acted upon. When I decided to personally seek the support of the Official Languages Act to help francophone pilots, francophone technicians and the general Canadian public in using one of the official languages to travel in Canada on Air Canada, which was a Crown company at that time, I thought the Official Languages Act could be of help and support. I was told by the commissioner at that time, Keith Spicer, that in his interpretation the act was not enforceable in court. Such was the interpretation of the Department of Justice of Canada.

However, I decided to go to court and ask the opinion of the court. Honourable senators know what the judgment was. The court decided that the act was enforceable. The injunction I was seeking against the government — my own government, the government led at that time by Mr. Trudeau, and the Minister of Transport, the Honourable Otto Lang — was that the act was enforceable and that the government had to abide by it.

I learned from experience the hard way that if we do not have the capacity in Parliament to follow up on a principle, it remains in the world of good intentions. On a day-to-day basis, there is no progress.

[Translation]

As luck would have it as well, when I was first elected as an MP in the riding of Maisonneuve—Rosemont, I chose to sit on the Public Accounts Committee.

[English]

It is not exactly a very popular committee. Public accounts, again as discussed yesterday by Senator Gauthier in a question to Senator Kinsella, does not attract a lot of attention because it is really too remote from the day-to-day preoccupations of voters. In plain words, you do not get a lot of votes by sitting on the public accounts committee, unless you want to embarrass the government with so-called waste of money.

The committee at that time was chaired by a very devoted member of the Conservative Party, Mr. Lloyd Crouse. The Auditor General of Canada at that time was the famous Mr. MacDonnell, probably one of the best, with all due respect for those who followed.

My involvement in the public accounts committee as vice-chairman was to learn that if you want to trace on a day-to-day basis the implementation of administration objectives you must have them in front of you on a regular basis and give orders on the basis of a fair evaluation based on the report of the Auditor General. I experienced that for at least three years in Parliament in the other place.

[Translation]

Therefore, based on that experience with the courts and the administration, it appeared to me that if we were to draw conclusions regarding the respect and implementation of the rights of the two linguistic communities, we would need a parliamentary mechanism equally split between both Houses of Parliament. This is how I came up with the idea of establishing a joint committee of the Senate and the House of Commons.

As Senator Murray pointed out earlier, I had to sell this idea to my government and convince the then Prime Minister, President of the Treasury Board and other ministers interested in the implementation of the Official Languages Act that my initiative had some merit and, more important, that it would achieve the objective of recognizing and promoting linguistic minority rights in Canada.

What Senator Murray said here this afternoon is accurate. He was the one I went to see to try to enlist his participation in the creation of the committee. Today, it seems to me that this committee is as necessary as it has ever been in the history of our country, since each year the report of the Commissioner of Official Languages points to difficulties, omissions and, above all, violations of the rights of either one of the two linguistic communities, depending on the circumstances, regions and times.

My second point concerns the committee's inability to achieve its objectives in previous years. Honourable senators, there is a deep ideological conflict between the Bloc Québécois and the Canadian Alliance, on the one hand, and, on the other hand, the other three parties represented in the other place, namely the New Democratic Party, the Progressive Conservative Party of Canada and the Liberal Party of Canada.

[English]

In other words, there are two visions of our country. There is one vision that is respectful of the principle enshrined in our Constitution, and one of those sacred trusts, as an ex-Prime Minister of Canada would say, is the principle of equality of both languages. This is at the foundation of this country. If that principle had not been respected in the very structure of our Senate, we would not have had one Dominion in 1867.

This principle is so fundamental that it permeates the structure of the Parliament of Canada. However, two parties question that principle. We live in a democracy, but when one tries to reconcile those two visions in a parliamentary body that has as its function to ensure that those principles are respected, you then have quite a challenge — in fact, an impossible dream.

I accept the proposal of the Leader of the Government to put the existing structure to the test. Perhaps, in all fairness, since it is a new Parliament, we can do it. Perhaps the Canadian Alliance is revisiting its approach to linguistic equality. Such was not the case in the past. There is no doubt about that. The past tells us of the future.

However, insofar as the Bloc is concerned, we know the philosophy of the Bloc Québécois. The Bloc Québécois essentially defines one territory — French-speaking Quebec — with the rest English-speaking. This is the view of the Bloc Québécois. This view is fundamentally incompatible with the existence of linguistic equality in the whole of Canada. This is where there is a fundamental difference in philosophy about how our country is structured and how it can achieve linguistic peace and equality.

• (1710)

As Senator Murray said, this is the internal fight that we have in the Parliament of Canada over a vision of our country. What to do, then, honourable senators? I share the frustration of Senators Gauthier, Corbin and Losier-Cool — who is not here with us today — as well as Senators Comeau, Simard, and all the other senators who come from regions where there are important linguistic minorities. I also share the views of Senator Finestone, who is also not here today, who has been an eloquent spokesperson for the English-speaking minorities in Quebec.

However, the point we want to achieve here is to show Canadians that there are some structures in the Parliament of Canada where the two communities can reconcile their views. If it is to put it to the test for the next three months, and if we agree that there is a deadline and that it is not just an opportunity to talk and to talk again, then, perhaps, it is worth trying to convince all of us that this is possible. Perhaps there has been progress in mentalities. However, I personally doubt it. Knowing those two political parties, reading their statements and interventions, knowing their posturing and knowing the electorate that they have to satisfy, I doubt it.

The very merit of this chamber is that we are not fundamentally partisan. I do not try to impose my views and score points on any other senators. We just try to touch, fundamentally, the merit of an argument. Although we sit on different sides, there are many times where we share the same views. I am sure that on both sides of this house, if there is a commitment that has been put to the test, it is the commitment to serve linguistic equality in this country. To me, that is at the honour of this chamber.

What do we do in our wisdom, honourable senators? I think if it is to ensure that we come to a final conclusion, and that the word of the Leader of the Government is that, let us fairly accept that, for the next three months, we will go. We will sit and try to participate bona fide. We will then be able to listen, perhaps, in due time, if we should proceed in a definite manner with the resolution put forward by Senators Gauthier and Corbin and supported by so many of us, or if we should go the Senate way, which in so many instances has served us well.

Hon. Joan Fraser: Honourable senators, I rise to speak on two grounds, or wearing two hats, if you will: one as a member of a linguistic minority and one as a member of the Joint Committee on Official Languages. I have been a member of that committee since I came to this place two and one half years ago. I thought it was a great honour to join that committee. As a member of a linguistic committee, I had followed its work for many years. I was aware of the very important work that it had done in the early years, and I believed that, because of the unique importance of official languages, it was uniquely fitting that it should be a joint committee of Parliament that would address this vital element of our national fabric.

I must tell honourable senators that not many things have disappointed me since I came to this place, but that committee has been a bitter disappointment. It has been an intensely partisan forum, but almost worse than that is that it has been an embarrassingly superficial place, for various reasons — some of them partisan and some ideological, some, perhaps, the cast of characters assigned by some of the parties in the other place. It has not served the people who need it, namely, the linguistic minorities of this country.

However, as I said, I have always believed and continue to believe that the preferable option would be to have a joint committee working on this subject. Therefore, I would like to support the position taken by the Leader of the Government to try one more time. I would not, however, like to fix a firm deadline, because fixing a firm deadline, in a sense, says to members of that committee who might wish to be uncooperative in the future, "If you are good for two months, three months, or whatever we have set as our firm deadline, then this problem will go away and you can go back to the old ways." I would rather leave this issue open. By the very nature of this debate, we are sending a strong message to them that we will leave if the committee does not work — if it does not work now or if it does not work in the future. And we should leave if it does not work, because the official language minorities need us to do so. They need somebody to do the work properly. My preference, however, would be a joint committee. Therefore, I do support the position taken by the Leader of the Government.

On motion of Senator Oliver, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate, ask that all remaining items on the Order Paper stand in the order in which they are today.

[English]

The Hon. the Speaker: The honourable senator has asked for leave. Is leave granted, honourable senators?

Senator Robichaud: Except on the point where I had leave for the motion to adjourn.

The Hon. the Speaker: Senator Robichaud has asked for leave of this house to leave all items of business on the Order Paper and Notice Paper today standing in their place until the next sitting, except for notices of motion. He wishes to revert to notices of motion on motions, which is at the end of the Order Paper.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

ADJOURNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, February 27, 2001, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 27, 2001, at 2 p.m.

APPENDIX

Address

of

The Right Honourable Tony Blair

Prime Minister of the United Kingdom of Great Britain and Northern Ireland

to

Both Houses of Parliament

in the

House of Commons Chamber, Ottawa

on

Thursday, February 22, 2001

APPENDIX

Address
of
The Right Honourable Tony Blair,
Prime Minister of the United Kingdom of
Great Britain and Northern Ireland
to
both Houses of Parliament
in the
House of Commons Chamber, Ottawa
on
Thursday, February 22, 2001

The Right Honourable and Mrs. Tony Blair were welcomed by the Right Honourable Jean Chrétien, Prime Minister of Canada, by the Honourable Dan Hays, Speaker of the Senate and by the Honourable Peter Milliken, Speaker of the House of Commons.

Hon. Peter Milliken (Speaker of the House of Commons): Order, please. I would like to call upon the Right Honourable Jean Chrétien, the Prime Minister of Canada, to now make his remarks.

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, honourable senators, judges, members of Parliament, ladies and gentlemen, it is my very great pleasure to introduce the Right Honourable Tony Blair.

Prime Minister, you are about to address the 37th Parliament of Canada, men and women of diverse backgrounds and sharp ideological differences, people who have a very hard time agreeing on anything, but you need not worry about our manners today.

I think I can speak for all of my colleagues when I say that any leader whose resumé includes winning the largest parliamentary majority in over 60 years can expect our undivided attention. Your historic 1997 election victory was, for many Canadians, their first introduction to Tony Blair, but it was really just the most spectacular result of the skilful leadership you have shown in remaking your party and in redefining the terms of political discourse in Great Britain and throughout the liberal western democracies.

In common with so many of us who have gone into politics, Mr. Blair trained to enter the law. And the law is in his family as well. Madam Cherie Blair, who is with us, is an accomplished barrister in her own right and, by the way, she is the only woman I can call chérie without my wife giving me that look.

Beginning with his election in 1993 as a Labour member of Parliament, Mr. Blair has shown a keen commitment both to the

welfare of his constituents and to addressing the broader issues that challenge government.

His considerable eloquence and his mastery of issues are widely known and respected. His ability to project the modern vitality of Britain on the world stage has become a personal trademark and his steadfast commitment to peace in Northern Ireland has earned him international praise. It is a cause in which Canada has been pleased to play a role.

[Translation]

Prime Minister Blair also played a key role in the development of a political movement we know now as the third way, a way that is open to all progressive governments in the context of the new information — and knowledge-based global economy, a middle way between total confidence in market forces and heavy dependency on state interventions, a way that seeks to encourage the spirit of initiative and prosperity, while ensuring that the benefits of economic growth are shared and no one is left out.

The Prime Minister and I often share the same views in this area. I have presented to him what I call the Canadian way, and he in turn has explained to me how his government successfully creates truly made-in-Britain solutions to the challenges it faces. I am sure our dialogue and exchanges of views on this will continue during this visit.

[English]

This is just a 21st century example of the common ground that has long characterized the relationship between our nation and the United Kingdom. It is embodied by this honourable place and our embrace of the Westminster tradition; by our willingness to shed blood together in the defence of freedom and justice; by our co-operation on so many issues at the UN, in NATO, at the WTO and in the Commonwealth; and by our resolve to renew and revitalize our transatlantic relationship.

Prime Minister, in addressing this special joint session, you join a distinguished company of British prime ministers of the modern era, a company that was led off by the Right Honourable Winston Churchill. If I could borrow from the master of words:

There are many in Canada who listen to the debates of this honourable House and wonder that so much could be said by so many but understood by so few.

Today, we welcome the opportunity for some well chosen words from a worthy successor.

Ladies and gentlemen, a dynamic leader, an accomplished statesman and a very great friend of Canada, I present to you the Right Honourable Tony Blair.

Right Hon. Tony Blair (Prime Minister of the United Kingdom of Great Britain and Northern Ireland): Mr. Speaker, Mr. Speaker of the Senate, Mr. Prime Minister, honourable members of the Senate and members of the House of Commons, thank you so much for that kind reception. I can truthfully say, Mr. Speaker, Sir, that is the only time I have ever been in a House of Commons and got a polite reception.

May I also say to my good friend and colleague Jean Chrétien, thank you for that most generous, too generous introduction. If I can repay the compliment to you, you have been not just a good friend to my country but you are someone respected throughout the entire free world.

You mentioned my large election victory. Well, I think there are a few lessons people can learn from you as well, but that is the last comment of any sort I will make on elections today.

May I say too that it is a rare honour to be invited to address you here where the common bond between our two nations is symbolized.

Of course I think it is important to point out that ours is not a relationship built only on shared history and sentiment. I know that Canadian investment in Britain has grown by something like 50 per cent in the last six years, making you the fourth largest investor in our country. Britain is the second largest investor in Canada. Last year alone, British companies committed more than \$13 billion Canadian here. The country Voltaire likened to "quelques arpents de neige" and Edward Gibbon to ancient Germany, is today for Britain, for us as we look at you, a high tech hub of the global economy.

You are deservedly world leaders now in the new economy, but of course there are ties deeper than commerce alone can ever be.

I have just seen the famous photograph of Sir Winston Churchill in Mr. Speaker's office and he resolved for me, incidentally, one of the great puzzles I have always had with that very famous photograph. I always wondered why Churchill looked so stern and why he was leaning forward in that way. He has resolved this difficulty for me. Apparently when Karsh was taking the photograph of him, Churchill was smoking a cigar and was not paying attention. He would not pay attention to what was happening around him and finally Karsh leaned forward and snatched the cigar out of his mouth, which is how he got the look of Churchill looking stern and disciplined.

It was almost 60 years ago that Churchill addressed this Parliament in Europe's darkest hour. What shines through that speech is his absolute conviction that at that dark hour, Canada's support would be unwavering. It was not for nothing that Churchill called Canada the linchpin of the English speaking world. Some things change, but some things remain constantly with us.

I can pay Canada no greater compliment than this. All nations have their reputations. As Prime Minister I deal with many

crises, often of an international nature, but I know, and I bet I speak for most of the prime ministers of my acquaintance in Britain and abroad, that when we are told the Canadians are in on the act, whatever the forum for decision, there is a sense of relief, the clouds part a little and the confidence grows. People know that your word is your bond and, what is more, what you do you do well. It is not a bad reputation to have. Well done. Keep it for always.

It was, I guess, the Atlantic that brought Britain and Canada together and gave us a maritime history. Trade was its common thread.

The story of our two nations began in 1497 when Henry VII funded an Italian adventurer to open a trade route to Asia by sailing west and instead he landed, as you know, in Newfoundland. The following centuries were a tale of exploration and new frontiers.

For Britons down the centuries, Canada has been and remains a great land of opportunity. By 1870 British Canadians accounted for 2.1 million out of a total population of 3.6 million. British engineers and investors helped build the canals and railways that helped link Canada east to west.

In 1867 the British North America Act brought Canada and Canadian provinces together in a Confederation: the first dominion and the first federal constitution in the British Empire. Britain and Canada still share a sovereign and the best traditions of parliamentary democracy. Our new human rights act, for example, echoes the charter of rights and freedoms that you, Jean, pioneered as Pierre Trudeau's justice minister, but perhaps it is our shared experience of defending our freedom and our way of life that forms the strongest bond.

• (1045)

The British will never forget that Canada stood by our side throughout both world wars. Nearly 10 per cent of the total Canadian population served in the first world war: Ypres in 1915; the Somme, where the brave Newfoundlanders lost 730 out of 801 men in 30 minutes; and Vimy Ridge in 1917.

In the second world war Canada's record is no less crucial. Over a million Canadian men and women served in the armed forces on the frontline in the liberation of Italy, France and the Low Countries. Two Canadian battalions were lost in the defence of Hong Kong.

It is interesting that both Canada and then Britain, following your example, recently announced compensation schemes to honour our Far East Prisoners of War. Roosevelt and Churchill signed the Atlantic Charter on a warship in Newfoundland bay, and Mackenzie King hosted the two crucial Quebec conferences in 1943 and 1944 on the war and the shape of the peace.

The presence of Canadian and British forces in continental Europe helped win the cold war. They have served together in Korea, Cyprus, Bosnia, Kosovo, East Timor and even Sierra Leone.

Yes, it took a Canadian general to win the confidence of both sides in Northern Ireland over the most sensitive issue of all, the issue of arms decommissioning. I would like, if I might, to pay tribute to General John de Chastelain for what he has done and what he and other Canadians, including your Prime Minister, Jean Chrétien, continue to do for peace in Northern Ireland.

[Translation]

Since the days of the British Empire, Great Britain and Canada have changed. Canada has incorporated two great European civilizations into a bilingual country enriched by the contributions of other cultures, firstly, obviously, by those of its aboriginal nations.

Canada today is turning increasingly not only to the west but to the east as well, to the Pacific and to Asia, the origins of half of Canada's immigrants in the past decade. Great Britain too has diversified. Our democracies are changing and adapting, utilizing the tolerance characteristic of them to create multicultural and dynamic societies.

Shared objectives have arisen from the values we hold jointly. Yesterday, I read last month's Speech from the Throne and the reactions that followed it in the Commons. I was struck by the similarity of our political debates: technology in the age of information and education, the environment, increased growth and more jobs.

[English]

We share something else. You are that part of North America closest in values and traditions to Europe, and we are that part of Europe closest to North America. We both are part of and we strongly support the transatlantic alliance, Europe and North America together. I wish to speak about that to you.

I have a belief, formed in theory but now far more powerfully reinforced after four years' practical experience as Prime Minister, that where the two sides of the Atlantic stand together the world is a more secure, stable and prosperous planet. We have our disagreements, of course we do, but they simply evaporate in importance when put alongside our common interests and values.

We know that what binds us together is a common belief in the values of institutionalized democracy, the benefits of the rule of law, the primacy of the market as the engine for growth, the belief in a strong and inclusive society to correct the market's injustices, the creative power of individualism and the ultimate need to protect human rights.

This is the core package, if you like, of our political canon, what we believe in. What separates us from others is that we believe in the whole package. We do not believe that you can have the market without society, or human rights separated from

the rule of law, or anything less than all the attributes of democracy. Our experience tells us too, does it not, that what people are given the opportunity freely to choose, this model political organization is the one that they choose.

When we stand together, both sides of the Atlantic, either in situations of conflict, or of trade or in trying to regulate the vagaries of global finance or indeed in issues of human rights, what most often prevail and we do so on the basis of what is right and what is just.

Yet despite the evidence of history and our own present prosperity, some will question this.

I speak to you first and foremost as the Prime Minister of the United Kingdom. British, proud to be so, truly ambitious for Britain, determined to see its potential fulfilled.

I speak to you as a committed Atlanticist. I speak to you also as a European, unshakeable in my view that Britain's future is as a leading player in Europe, a powerful force for good and a force for reform inside the European Union.

There are those in my country who say it is not possible to have all those things. You can have Europe or you can have North America but you cannot have both. Britain has to choose.

It is an article of my political faith that I refuse point blank to do so. We will have the best of both worlds. We will give up neither relationship. We will make them both work, and we will make them work not just for Britain but for the sake of the transatlantic alliance itself. That alliance is of course most clear in defence and our commitment to NATO is fundamental.

We have had the good sense to adapt NATO to 21st century security tasks. The threat to our own territory may have all but disappeared. But the threats, as you know, to our interests persist from turmoil within nations such as Yugoslavia, from terrorism and from the proliferation of nuclear, chemical and biological weapons. NATO is our organization of choice for dealing with these threats. No organization is stronger, no military alliance more integrated. Nothing surpasses NATO's strength or its effectiveness.

Today Canadian and British peacekeepers work side by side in the Balkans, sometimes under a Canadian Commander and sometimes under a British one, within NATO.

It is NATO that reversed the ethnic cleansing in Kosovo and set in train the events which led to Milosevic being ousted and has given the prospect of a decent peace accord. On our own Europe could not have achieved that. It took the combination of Europe and North America, acting together in NATO, to deliver on that goal.

The initiative on European defence should be seen in this context. It is limited to crisis management, peacekeeping and humanitarian tasks. It requires the sovereign decision of each nation to participate in each operation, as indeed with the United Nations. It is not therefore a standing army. There will be no separate EU military planning structures, and it applies only where NATO has chosen not to act collectively.

• (1055)

It has, however, two potential benefits. First, it allows Europe, for example, in crises on or within Europe's border, to act where the U.S. does not wish to. Bosnia from 1992 to 1995 is such a case in point. Second, it puts pressure on Europe to increase its defence capability, something long desired by our allies in North America. Done right it will strengthen NATO and NATO will remain the cornerstone of our collective security.

The other crucial area for the transatlantic alliance is trade. Around the world there is simultaneously the desire for greater local autonomy and nations coming together for their own common good. Those two things happen almost simultaneously. In the U.K., for example, we have found a way through devolution to create a new partnership for the U.K. between England, Scotland, Wales and Northern Ireland.

Yet at the same time, as greater devolution occurs within nations, countries are voluntarily coming together to form regional groups. The EU may be the most integrated, but in North America you have NAFTA; in the South, Mercosur; and in Asia, ASEAN, APEC and so on.

In my view these two trends are healthy and go together: devolve where possible, integrate where necessary. The key, however, is to ensure that these regional blocs do not become inward looking or closed to other parts of the outside world. If we simply exchange the darker side of nationalism for conflict between regional blocs, we will have gained nothing.

The EU and NAFTA are the world's largest trading blocs and the world's biggest free traders. NAFTA is the European Union's most important trading partner. In 1999 EU exports to NAFTA were £137 billion and imports from NAFTA were £121 billion. Yet relations are not as they should be.

Proposals for a transatlantic free trade area in 1996 came to nothing. The Transatlantic Economic Partnership of 1998 has not been the success we all hoped for at the time. Despite ever closer economic links our trade relations, as you all well know, have become bedevilled by disputes over issues like beef and bananas, and damaged both our interests.

We now have an opportunity for a new start, however. The European Union is engaged in a radical program of economic reform, and not before time. We are committed to opening up markets, reducing the burden of regulation, and encouraging enterprise and new technologies. In March at the summit in Stockholm we will take this a step further forward. We want to work more closely with our partners on this side of the Atlantic, including the new U.S. Administration, to promote free trade.

I believe, therefore, that we need to take steps to improve greatly the EU-NAFTA relationship, and I propose the following.

First, we should agree to an EU-NAFTA political declaration of intent on trade.

Ninety-eight per cent of our trade is trouble free. We cannot allow the remaining 2 per cent to sour trading relations in the way it has. We should aim to break the logjam by the June EU summit in Gothenburg. We will pursue this as Britain with our partners and the Commission, and we will discuss at Stockholm in March how we achieve this by that June summit.

This should then be reinforced by an EU-NAFTA commitment to go further within the WTO framework to break down non-tariff barriers as well. In areas like insurance and professional services, but also others, liberalization is massively, I believe, in our joint interests on both sides of the Atlantic.

At Gothenburg we should also agree to a statement of principles as the basis for launching a new WTO round at Doha in November. It is time that we move. We should agree to a joint commitment to remove trade barriers for the least developed countries. That means duty free and quota free access for everything but arms. It is frustrating, and it is wrong, that it is taking so long within the European Union to bring this excellent initiative to fruition. Those developing countries need our help and we should give it to them. We should consider how we improve radically the forum for solving future transatlantic trade problems before full blown WTO litigation sets in.

• (1100)

Finally on trade I just want to say this last point. It is time I think that we started to argue vigorously and clearly as to why free trade is right. It is the key to jobs for our people, to prosperity and actually to development in the poorest parts of the world. The case against it is misguided and, worse, unfair. However sincere the protests, they cannot be allowed to stand in the way of rational argument. We should start to make this case with force and determination.

[Translation]

In addition, the transatlantic link must not be limited to security and trade. There are other challenges: organized crime, terrorism, the environment, population movements. We are all affected by the issues, good or bad, that concern our planet. A more effective transatlantic alliance will help us find better solutions. It is up to us to see to it.

[English]

My friends, my apology for my French pronunciation. There is a story about that which is a bit naughty, so I suppose I had better not tell it to the Canadian Parliament.

A Voice: We want to hear it.

The Right Hon. Tony Blair: Well, okay. I invited Lionel Jospin, the French Prime Minister, to my constituency one time and we did a joint press conference live on television. I was asked the question in French whether I was envious of Lionel Jospin's success and policies. I meant to reply that I was very envious of the magnificent positions he had taken on different policy issues. Instead, I informed the startled French public that I decidedly know Jospin in many different positions.

I think we will do most of our press conference in English, if that is all right. It was quite hard to recover my reputation in France after that.

The strength of our relationship, Britain and Canada, may originate with our history, but what I want to say to you from the depth of my heart is that it does not depend on our history.

There are present, real and substantial bonds of mutual interest and endeavour that unite our nations. If these bonds deepen still further, as I believe they should and could, it does not impact on us alone. It is greatly to the benefit of all. The world we live in today moves ever closer together. At least for the most developed nations, prosperity and opportunity have never been greater, but the global threats are also growing: nuclear proliferation, environmental degradation, fundamentalism and the potential for financial collapse in one continent to trigger collapse in another.

My message to you is very simple, and it is this. In that new world, more dangerous, moving closer together under the threats and also the possibilities of globalization and technology, both of us with the U.S., both of us with Europe, both of us in the Commonwealth, both of us also with the Pacific and Asia, occupy a special place.

As a result of that unusual network of relationships that our history has bequeathed to us, we should use that power and influence to further the transatlantic alliance. It is the rock, ultimately, on which our security and prosperity is based, and I believe the world's. It places a heavy responsibility on us. It is one that I believe we can justly discharge with pride.

Mr. Speaker, Prime Minister, and ladies and gentlemen, my most profound thanks to you for this invitation. It has genuinely been one of the proudest moments of my political life, and long live the friendship between our two nations. Thank you.

Hon. Dan Hays (Speaker of the Senate): Prime Minister Blair, Mrs. Blair, Mr. Speaker, Mr. Prime Minister and distinguished guests, in the name of the Senate and as well for all who have heard you today, I thank you, Prime Minister, for your address to the Parliament of Canada.

[Translation]

Your first official visit to Canada also perpetuates a tradition which was upheld by five of your predecessors and which began in 1941, when Prime Minister Winston Churchill addressed Parliament, as the Prime Minister mentioned.

[English]

The visit recognizes and reinforces the remarkable bond that exists between our countries. Our relationship is a longstanding

and particularly important one. The trust and understanding between our countries are supported and sustained, as you have observed, by our trade, family ties, culture and our common practice of democracy. In this context I observe that of special interest, in particular to many in the Senate, has been your government's initiative, as you mentioned, to devolve its power and to bring about changes in the House of Lords.

[Translation]

Our relations have always been marked by great mutual trust. And, particularly in the last century, during wars and through numerous diplomatic missions, we have supported each other.

[English]

Sometimes the bond between our countries is such that we need to remind ourselves not to take it for granted and to remember just how important it is.

As a representative of Alberta, I know well of our co-operation. The United Kingdom has been a source of investment needed to develop our natural resources, and in recent times the United Kingdom has in turn received Canadian investment and expertise in the development of its natural resources in the North Sea and on shore.

[Translation]

After the United States, the United Kingdom is our main source of direct investment abroad, the main destination for Canadian capital abroad and our largest market for tourism and trade services.

[English]

Great Britain's defence forces have been a part of military life in my home province, for example, by virtue of exchanges and training of soldiers at Canadian Forces Base Suffield. They are a part of our tradition of co-operation such that Suffield is Britain's principal high intensity conflict training area. Over 800 British live at the base resulting in over 4,000 trainee visits each year.

The Great Britain of your time, with which we proudly share so many traditions and values, will we know continue to flourish. With the attention and care of those who serve in our Parliaments, we will remain principal allies and trading partners.

Mr. Prime Minister, thank you for your contribution to renewing the close ties between our countries by your words and by your deeds.

Hon. Peter Milliken (Speaker of the House of Commons): Mr. Prime Minister, on behalf of the members of the House of Commons, I would like to thank you for having addressed us today.

Canadians across our country are delighted that you have come here. The members of the House of Commons and of the Senate, who have gathered in such large numbers to hear your speech today, are delighted that you have come. Your fellow Oxonians, both here in Parliament and across the country, are very proud of you and very pleased that you have come, Sir.

[Translation]

Much has been said and written about the close relations between our two countries. There was a time when the history of Great Britain was our history, and many of your country's traditions are still maintained in Canada.

The model for all Parliaments, Westminster, continues to make its presence felt among us today, not just in our procedural system, but more tangibly in the form of the Speaker's Chair. This chair was a gift from Great Britain, a reproduction of the one in Westminster. Its dais, decorated with the Royal coat of arms, was sculpted from a single block of oak taken from the roof of Westminster Hall, which dates back to 1397.

[English]

While we are ever mindful of our shared history, I believe that the friendship between our two countries now rests on our shared present.

Although your address to Parliament today was certainly a very special event, Prime Minister, it is but one of the myriad contacts taking place today between the United Kingdom and Canada. Not only are our nations regularly involved in formal

economic, cultural, technological and parliamentary exchanges, we also like to stay in touch on a much more basic level.

We are constantly listening to each other's music, watching each other's television programs and visiting one another. Visits are less frequent in the winter. While I can only assume that "Cool Britannia," as I have heard today's United Kingdom dubbed, is more a cultural than climactic commentary, I must applaud your hardiness, Prime Minister, in visiting Ottawa in February.

[Translation]

As the former president of the Canada-United Kingdom Parliamentary Association, I often had the honour to visit Westminster, accompanied by many of my colleagues, in order to learn more about your parliamentary procedures. I hope that these exchanges will continue in the future.

[English]

In closing, please accept my thanks on behalf of all members of the House of Commons for having spoken to us today. We will long remember your presence here, and we hope that you will return soon for another Canadian visit. Merci beaucoup.

[illegible]

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance					
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications					
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31							
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07							
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07							
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology					
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07							
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20							
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21							

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CANADA

Debates of the Senate

1st SESSION

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37th PARLIAMENT

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VOLUME 139

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NUMBER 10

OFFICIAL REPORT
(HANSARD)

Tuesday, February 27, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, February 27, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

THE HONOURABLE GILDAS L. MOLGAT

ANNOUNCEMENT OF ILLNESS

The Hon. the Speaker: Honourable senators, it is my sad duty to inform you that our colleague and former Speaker, Senator Molgat, who represented us all so well, has suffered a massive

stroke and is in a coma. Allison and members of his family are with him.

A request has been made of me to recognize the Deputy Leader of the Government at this time.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move, seconded by Senator Kinsella, that the Senate do now adjourn.

The Senate adjourned until tomorrow at 2 p.m.

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THE SENATE

Wednesday, February 28, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE GILDAS L. MOLGAT

ANNOUNCEMENT OF DEATH

The Hon. the Speaker: Honourable senators, there will be an opportunity for us to express ourselves later, but at this time I extend deepest sympathies on behalf of all senators and all associated with this place to Mrs. Allison Molgat, Anne, Mathurin and their entire family.

Honourable senators, out of respect for our deceased colleague and former Speaker, the Honourable Senator Molgat, I ask you to rise and join with me in a moment of silence.

Honourable senators then stood in silent tribute.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Kinsella, that the Senate do now adjourn.

The Hon. the Speaker: Honourable senators, out of respect for the late Honourable Gildas L. Molgat, the Senate will now adjourn.

The Senate adjourned until tomorrow at 2 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, March 1, 2001

THE HONOURABLE DAN HAYS
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Thursday, March 1, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE GILDAS L. MOLGAT

TRIBUTES

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is with a very heavy heart that I rise today to pay tribute to the life of a close colleague and personal friend, the Honourable Gildas Molgat.

Only a week ago I was reminiscing in this chamber about his time with us as Speaker of the Senate. He wrote to me about those remarks, and I received the letter immediately upon returning from the hospital after saying my goodbye to him.

Senator Molgat touched many people in his long and distinguished career. He was involved in political life for more than 45 years, and all of us here in this chamber, as well as Liberals in Manitoba and across the country, feel an immeasurable loss with his death. There are few who knew the Senate as well as he, and fewer still who commanded the respect and affection of so many of us on both sides of this chamber.

Senator Molgat spent more than 30 years in this place — a place he dearly loved. In the Senate, he served as Speaker *pro tempore*, Deputy Leader of the Opposition, Deputy Leader of the Government and, of course, Speaker.

His achievements were presaged by his student life, a time when he established the high standards that he maintained throughout his life. He was a gold medallist at the University of Manitoba, and later obtained an Honorary Doctorate of Law from his alma mater and the Collège universitaire de Saint-Boniface in 1998. He also became Governor Emeritus of Collège universitaire de Saint-Boniface. Throughout his life, he approached new experiences and new people as though he were still a student with an open mind and a willingness to listen.

[Translation]

Honourable senators, Senator Molgat's constant involvement in the Canadian constitutional process and his valiant efforts to help build our country was a reflection of his patriotism. As a fellow Manitoban, I can attest to the fact that residents of that province are well equipped to deal with regional disparities and cultural differences. Senator Molgat was a francophone and was married to an anglophone. Their children grew up in both official languages, but our colleague also had an interest in other

cultures. Senator Molgat was a member of the Société franco-manitobaine and of the St. Andrew Society. In 1995, he was appointed Grand Officier de la Pléiade, the highest honour bestowed by the Ordre de la francophonie.

[English]

His respect for all the nationalities represented in Manitoba was apparent in the enthusiasm he showed when discussing someone's heritage, or when attending community events which highlighted our multicultural Canadian heritage. Senator Molgat used his vast experience with people and with politics, and his natural diplomacy, in the service of furthering our understanding of each other.

[Translation]

Senator Molgat was deeply attached to nature, to his country and, in particular, to his native province. He was proud of Manitoba and he was always pleased to represent Manitobans. He was the founding president of the research foundation at St. Boniface Hospital and, in spite of all the time he had to spend in Ottawa in the performance of his duties, he always had a spot for Manitobans in his heart and his thoughts.

[English]

We know that Senator Molgat cared very much for the future of our country, not only because of his concern with the constitutional legislation which affected our nation, but also because of his ongoing interest in the young people who surrounded him. Our own Senate Pages held Senator Molgat in high regard because he fostered in them a pride in their job and an appreciation of the Senate and its role in Parliament. Gil maintained high standards for all the young people he encountered, but he inspired them to achieve more and to ultimately maintain high standards for themselves.

My own executive assistant, Michelle MacDonald, a former Chief Page here in the Senate, was recommended to me by Gil when she moved to Manitoba. On the basis of his recommendation, she came to work for me.

• (1410)

We all knew Senator Molgat as an exemplary Speaker of the chamber and as a colleague; but, in some ways, his most substantial and authentic contribution to the lives of others was his work on behalf of the Canadian military, in the many positions he held which benefited the auxiliary organizations associated with the Canadian Armed Forces.

Senator Molgat served for 20 years in the Royal Winnipeg Rifles, affectionately called the Little Black Devils militia, and his esprit de corps was an integral part of the senator's character. The years he spent with the militia fostered an involvement in military associations thereafter, and a desire to share his love of the discipline, camaraderie and professionalism he himself learned with the Royal Winnipeg Rifles.

His contribution to the military and to military associations did not go unrecognized. Senator Molgat was decorated by the Canadian Forces, named Honorary Lieutenant-Colonel in 1966 and Honorary Colonel in 1985. He served as director of the Canadian Corps of Commissioners. He became honorary president of the Army, Navy, and Air Force Veterans in Canada, of the Winnipeg Unit No. 1 and of the Royal United Services Institute of Manitoba. He was a member of the Royal Canadian Legion.

He was a founding president of the Manitoba Army Cadet League, president of the Army Cadet League of Canada and Governor-at-Large of the Army Cadet League of Canada. He did not confine himself to the cadet movement. Senator Molgat was very active with Scouts Canada, becoming an honorary member of the Manitoba Council of Scouts Canada. Senator Molgat was convinced that the scouting and cadet movements could make a lasting and significant contribution to the lives of young persons, especially those who came from disadvantaged backgrounds. He believed that the scouting and cadet movements inspired a love of country and a respect for others and that they instilled an appreciation for approaching life with an ordered and curious intellect.

Because of Senator Molgat's military knowledge and experience, the paintings on the walls of this very chamber held special significance for him. He was not a man who admired the apparatus of war; rather, he spent his life encouraging our young people to be knowledgeable and clear-thinking so that no further tragedies could befall our nation. He wanted to leave our country in a better state to future generations and have our future generations be more successful citizens than his own had been. He was a true optimist, and he believed that the future of Canada could be brighter if each one of us invested personally in our young people.

I will miss Senator Molgat in a very personal way. He was a friend and a mentor. We had both been Leader of the Liberal Party of Manitoba, and we had both served as Deputy Leader of the Government in this place. He taught me the value of the Senate — indeed, he persuaded me to come here. When Senator Doug Everett resigned from the Senate in January, 1994, he immediately called me before the matter was public knowledge and told me not to say I would not accept an appointment to the Senate, which he knew would be my first instinct.

Honourable senators, this place did not have good memories for me. When my father came here in 1955, I was only 13 years old. I saw this place as the place that took my father away from his family. In those days, when the only free transportation available to senators was train travel, my dad would be away for many weeks at a time. However, I followed Gil's advice on this

occasion, as I did on so many others, and I told the media I would certainly consider an appointment if it were offered.

On September 14, 1994, Gil called me. He was very agitated. He had heard that Senator Bacon and Senator Pearson were to be appointed the next day, but he had not heard my name being mentioned. He asked what was going on. He insisted that he would call the Prime Minister. I had to calm him down. Even though I had promised the Prime Minister's Office that I would tell no one about my impending appointment, I told Gil so that he could sleep that night, and also so that he would not give the Prime Minister a hard time.

I tell you this anecdote because it was so typical of the man. He advanced his friends whenever he could. There was only warmth and concern emanating from him.

It will now be a difficult time for Allison, Anne and Mathurin. Allison is also a very dear friend. She campaigned with Gil throughout all his campaigns, but she was also by my side during the 1984, 1986, 1988 and 1990 campaigns, and, yes, senators, they were every two years. She and Gil have been partners in every sense of the word. She and their family, and Gil's brother Daniel, as well as Ginette who worked so faithfully for Gil for so many years, and all those others who have worked also with him, have my and my husband John's deepest sympathy.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, out of respect for Senator Molgat's repeated appeal that tributes to colleagues be kept brief and to the point, I have tried to keep the length of my remarks in accordance with his wishes, although it has been quite a challenge because there is so much to be said about this fine man and his distinguished public career.

My first impressions of Gil Molgat were, to say the least, not at all favourable. They were made during the infamous Senate GST debate in the fall of 1990, when he expressed both in word and deed not too subtle objections to more than one of the then Speaker's rulings, so much so that at one point he even appropriated the Speaker's Chair for himself — a hint of things to come, as it turned out.

It was only when he and I, in our respective roles as deputy leaders, met on a regular basis that I was able to understand that, while his behaviour at the time was out of character, it did arise from a strong and heartfelt belief in the parliamentary process and, in particular, the role and responsibilities of the Senate as an integral part of it.

Although not formally versed in matters legal, he had a particular interest in constitutional reform and an abiding commitment to improve our basic law in order that it better serve Canadians. In 1971, his co-chairing of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada and its report formed the basis for much of the constitutional discussion that took place during the 1970s and culminated in patriation and the Charter of Rights and Freedoms being adopted in 1982.

His tremendous love for this place and its evolution was no better demonstrated than when he co-chaired the Special Joint Committee on Senate Reform, which reported in 1983. During that period, Gil became an advocate of an elected Senate and was especially proud that his was the first committee to recommend an elected Senate.

He played a leading role as chairman of the Senate Committee of the Whole and the Senate Task Force on the Meech Lake Accord. His opposition to the accord was heartfelt and genuine, even passionate. He believed that it took too much power away from the central government and ignored the plight of Canada's Aboriginal peoples. While many disagreed with his position, one had to respect his views because of his experience and his caring for his country.

Again, during the discussions on the Charlottetown Agreement, his contribution to the debate displayed an understanding and familiarity with the parliamentary system matched by very few contemporaries.

He will be long remembered for how well he carried out the many responsibilities of Speaker of the Senate in this chamber as elsewhere. Whether receiving an ambassador, hosting a reception for a retiring senator, representing his country at international meetings, or leading a delegation abroad, he always did so with distinction and self-effacing good humour, often supported with much affection by his delightful wife, Allison.

While the Speaker of the Senate gives the appearance of independence, in reality he or she is hard put to exercise it completely, given that the appointment to the position is a political one. For many years, Gil was faced with near equal membership on both sides of this house, and he was called upon on a number of occasions to cast his vote, which he did out of a sense of duty, of course, but not without some discomfort. He certainly did not feel it appropriate for a Speaker to be so directly involved in a partisan decision, because he favoured an elected Speaker of the Senate, with the independence such a status brings. I am only sorry that this did not come about during his lifetime, as he would certainly have received my vote without hesitation.

• (1420)

Hon. B. Alasdair Graham: Honourable senators, I rise to pay respect to a personal friend, and to one of the finest Canadians that I have ever had the privilege of knowing — a man for all seasons, a man for all people, a gentleman of warmth and dignity and elegance, a man who loved his roots and his province and the world with equal passion. That was Senator Gildas Molgat.

He was a man who knew all the lovely contours, vistas and regions of this wonderful country like none other, a man who was at home wherever he travelled, a man who brought the reality of Canada abroad on all his foreign visits across this planet, a man whose dedication to people everywhere carried with it a complete egalitarianism.

No one whoever came in contact with Senator Molgat was ever treated with anything but the fullest integrity and fairness. As Speaker of this chamber he brought us wit, civility, grace and courtesy. He brought us his rich bilingualism and an understanding of our history and our tradition, which was always a privilege to hear.

We must remember that Senator Molgat's intense and inspiring love for this country was shaped at the heart of a famous regiment mentioned by our leader, Senator Carstairs, a regiment that represented the finest qualities of the province of Manitoba, the Royal Winnipeg Rifles. It is one of the oldest regiments in Western Canada and also one of the most highly decorated regiments in our distinguished military history.

Although he was too young for active service in the Second World War, his life was in some ways changed forever when the ship he was aboard while returning from a visit to Europe was torpedoed by the Germans off the coast of Ireland on the first day of the war. I first heard of that story in the presence of Allison and Gil on the way from London to Birmingham, England to celebrate the one-hundredth anniversary of the founding of the British Liberal Party.

Gil served with the Royal Winnipeg Rifles for many years. Throughout his long and distinguished career he lived and breathed the life of a regiment that fought at Batoche, the Somme and Passchendaele, which served in the South African war and Vimy Ridge and the Falaise Gap. Gil lived and breathed the valour, courage and passion of a regiment that was so much at the heart of the history that made us one.

In many ways, those traditions, that spirit, have always been there in the remarkable career and the wonderful humanity of the late Senator Gil Molgat. Whether it was as soldier, diplomat or elected member of the Manitoba legislature, that spirit has always been there. Whether it was as a superb and distinguished Speaker of this chamber or ambassador for Canada at home and abroad, that spirit has always been there.

Gil's life was marked by an extraordinary commitment to public service, the kind of intense dedication that brought him into the centre of the great constitutional and political events and debates of our time. His honours and awards have been numerous.

Yet, to me, as I think about the sadness of his loss, I think more of the pure joy that we shared together as friends. I think of our laughter and the mischievous twinkle that one often saw in his eyes. I think of the honesty and the truth and the many wonderful times we had together.

We travelled together. Allison, those great memories will be with me forever.

Gil's life has touched every one of us in the most positive of ways. He loved his job as Speaker. He loved people, and we loved him.

He had a wonderful command and understanding of this place. Wherever he was, he exuded strength, warmth, charm and a charisma that made everyone feel at home in his presence. He gave you his undivided attention no matter who you were. He made us all so proud, no matter where he was.

He wanted so passionately to make this place the best it could possibly be. He wanted every member of the Senate family to work beyond their fingertips to do their best, and they responded in kind.

[Translation]

Honourable senators, he had great respect for the support staff. This is why, under his stewardship, we had the Speaker's BBQ and the breakfasts for Senate employees.

[English]

His loss has been felt by every employee in every corner of this institution. There has been a sadness that has permeated this place like no other.

If Senator Molgat could speak personally to all of us today, he would want to thank all members of the Senate family for their loyal and devoted service, most particularly, Ginette Lafrenière, who served with him with such dedication for so many years.

Right now I can also hear his voice admonishing me as he has on so many other occasions: "Senator Graham, your three minutes are up."

Gil, your life was a gift to all of us.

To the remarkable and much loved Allison Molgat, to Anne, Mathurin and your extended family and friends, please accept an expression of our deepest sympathy. Thank you from the bottom of our hearts for sharing your husband and father for so long.

[Translation]

Rest in peace, my dearest friend.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it is good that we pause today to pay tribute to our colleague and friend Gildas Molgat. His sudden departure has caused a cloud of sorrow to envelop the Senate. We are all filled with sadness, and we all stand in solidarity with and support of Allison and the Molgat family.

A soldier, parliamentarian, and a man of faith, Senator Molgat may have left this temporal house, but he has gone to that eternal house and the place that has been prepared for him. It is, therefore, with the realization of his faith that he would want us to overcome grief, and rather to celebrate the wonderful life's journey of our friend.

His journey is the story of a distinguished parliamentarian and a dutiful soldier, an active participant in public affairs, a great Canadian and a wonderful friend to so many. His story is an account of loyal service to the country he loved, Canada. Many individuals, whether from the barrack halls to this hall, have been the beneficiaries of his dedication and devotion to duty.

Honourable senators, there are so many of us on both sides of this chamber who, having benefited from his wise counsel, are able to give testimony to the appropriate choice of name made by his parents, who decided to call him after the 5th century Saint Gildas, the monk who was also surnamed, "the Wise."

Onomastically, or like his namesake, Saint Gildas — who by the way was the earliest of British historians — Gildas Molgat was also a man of no ordinary culture and dignity. This senator's many contributions to Canadian parliamentary law within the British Westminster tradition are significant.

• (1430)

His erudite rulings as our Speaker indicate that he was thoroughly acquainted with the precedents and customs of Parliament, especially, I might add, those rulings that sustained some of our points of order.

Senator Molgat certainly brought great dignity to the office of Speaker of the Senate. For those who were fortunate to accompany him on missions to other legislatures, we witnessed the high esteem in which he was held by so many countries. This was particularly so for me on a mission to the House of Lords.

In bidding farewell to our friend, we draw on the words of the classical Latin ritual, *sub venite*: Come to Gil's assistance, ye Saints of God; Come to meet him, ye angels of the Lord.

Hon. Joyce Fairbairn: To honourable senators, to the family of Gil Molgat, and to those who worked with him and who loved him for so many years, this is an incredibly sad day for the Senate and for all who work and, indeed, live in these premises, as we say farewell to our colleague the Honourable Gildas Molgat, who passed away yesterday. He was a very special person, not just for this institution but for Canada, for Manitoba, for francophones outside Quebec, for new Canadians everywhere, for veterans and our young cadets, for farmers, for Aboriginal people, for young people and for Liberals everywhere. He was also a very special person for all of those in Canada who believe, in their hearts and their souls, in the fundamental unity of this country.

With great integrity, courage, kindness and an infectious sense of humour, Gil Molgat built a network of friends across Canada, which crossed over every barrier of party lines. This, I know, was felt on each side of this chamber, most poignantly today. He was courteous and he was generous with his heart, his time and his energy. Wherever Gil went, so very often with Allison at his side, he was always welcomed as one of the good guys. What a rollicking ride he had through that life.

We have often heard, with some warmth from our leader, about Gil Molgat's persistent vigour in the often lonely role as Leader of the Liberal Party in Manitoba and Leader of the Opposition in the Manitoba legislature. Then we have known him as President of the Liberal Party of Canada. In those roles, honourable senators, he raised to new heights the concepts of inclusion and dedication.

Senator Molgat was a fierce advocate for Canada's Armed Forces. He served with the Royal Winnipeg Rifles — the Little Black Devils — for 20 years, becoming their honorary lieutenant-colonel in 1966 and then, in 1985, their honorary colonel. He remained in that position until the day that he died. In recent years, I discovered and enjoyed this particular element of Gil's background as we worked together as honorary colonels to promote and preserve the strength of the reserves. He also, just to touch all bases, was the founding President of the Army Cadet League in Canada.

If there was a good cause to support, honourable senators, Gil was for it. In my case, it was literacy and the dedication of the statues of our Famous Five Canadian women near the Senate on Parliament Hill. As leader of the Senate in the sense of the speakership, he stepped aside from the Chair a bit to help us all, on both sides of this chamber, to make that happen. In addition to all this, it was his life here in the Senate, in the Parliament of Canada, which will remain forever as his legacy. Gil came to this house in 1970, and he gave his maiden speech as mover of the Address in Reply to the Speech from the Throne that fall. Those were tense and difficult days at the height of the FLQ crisis.

Gil set out his ground as a new senator, declaring himself, and I quote, "first of all, as a Canadian, but most emphatically also as a Western Canadian, an enthusiastic, unrepentant Western Canadian." He made it clear that this was said not to be either parochial or negative, but rather "with the profound belief that Manitoba and Western Canada can and should contribute more to Confederation, that we want to play a greater part in the councils of our nation and that it is to Canada's advantage that all parts should grow and expand."

That maiden speech went on to note that much had been said and written over those past many years about Western discontent and that new words had been added to describe those feelings. Back then, in 1970, he noted that "we hear about Western alienation and then, much more recently again, about Western separatism." The new senator told this house firmly, "I reject these terms and I would rather speak about Western involvement and Western participation."

Senator Molgat noted the enthusiasm and the pride with which Manitobans had celebrated their one-hundredth anniversary in Canada that year and were not about to leave. However, that did not mean that Confederation could not be made to work better for all its partners. Now, that was over 30 years ago.

Honourable senators, Gil Molgat was spreading that same message just a week ago, reminding us in one of our party

caucuses that progress was slow and that there was much more to be done — that we should cut the chatter and get on with it. Those of us from that part of Canada will have these thoughts resonating in our minds and in our hearts for some time to come.

The country and its security as a united nation was never far from Gil's mind, and some of his finest work in this place was done to try to find the pathway to a better union. He co-chaired Senate and House of Commons committee on the Constitution of Canada in 1972, which recommended patriation, a new Constitution, and a functional federalism based on a new distribution of federal and provincial powers. Indeed, much of that report was reflected in future constitutional agreements.

A decade later, he co-chaired a joint parliamentary committee on reform of the Senate, which advanced the prospect of an elected Senate with equalized distribution of seats across the country, limited, non-renewable nine-year terms and a double majority for issues involving francophone rights.

● (1440)

I see some of my colleagues shuddering and breathing hard however, this report is still part of the groundwork for a total Senate discussion on our future. It is worth taking another look at that report, to see what the thinking was then, what the realities and difficulties were, and what the opportunities are today. Opportunities today is something Gil had been talking to us about.

Then again, he was called upon to chair the Senate Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories, to travel to the northern territories and hold public hearings because territorial leaders were unable to find a way into the federal-provincial negotiating room to directly argue their concerns before a final decision was made on this important undertaking. I must say to you, honourable senators, that anyone from either side of this chamber who participated on that task force, of which I was a member — it was bitterly cold up there in those winter days — will remember the warmth of the response that met us. Perhaps it was because not many task forces or groups had travelled in that area, but the warmth of the response for us simply to have taken the time to go and to listen was absolutely overwhelming. I think that for those of us who were there and who watched Gil perform it must certainly be a highlight of our experience in this chamber.

Honourable senators, this was an extraordinary senator, one who fulfilled his responsibilities here with us, in Manitoba, and across the country, with ideas and words and vision. Here in this chamber he focused, among other things, on the rules and procedures that guide our work in this place. Indeed, he was looking forward to — he just spoke to me about this the other day — active participation in the efforts of our current Rules Committee, where his expertise would have played a significant role.

I believe he was a great Speaker for us all in these past six years, and I am right on side with Senator Lynch-Staunton — I would have given him my vote joyfully if we had been given the opportunity to do so. He cared about this institution, its history and its future. He was a superb representative of us and of Canada when he travelled abroad and welcomed visitors here.

For me, he was one of the wisest, kindest and most supportive friends and advisors I could ever have had, or hoped to have, in the Senate and in my own life. I first met Gil back in the 1960s, when I was a reporter in the Parliamentary Press Gallery, and that acquaintance grew into a firm and joyful relationship in the years that followed.

In 1993, he accepted the Prime Minister's suggestion to serve as Deputy Leader of the Government in the Senate when I became leader. I think probably both of them felt this would give me an edge in getting off to a good start. We were partners, cannot ever acknowledge adequately what the strength of his support meant to this rookie, starting out in what was a new and challenging Parliament with an extremely challenging Leader of the Opposition on the other side of the house who, because this was, after all, the Senate, was also a good friend.

Honourable senators, if I feel a sense of overwhelming personal loss and grief with Gil's passing I cannot begin to imagine the sadness of his beloved life partner, Allison, and their children, Anne and Mathurin, and his brother, Daniel, and Jeanette, who served him so loyally and with such skill for so many years. As he has left all of us with a great legacy here, I hope and I believe that their lives will always be enriched and enlivened with the warmth of their memories of a loving husband and father and colleague, a giant among senators, and a prince of Canadians.

We offer his family our deepest sympathy and assurances that he will never be forgotten here.

Hon. Lowell Murray: Honourable senators, Senator Molgat came to the Speaker's Chair with experience and knowledge of the *Rules of the Senate of Canada*. That makes him almost unique among the Speakers I have served under during my years here or have observed over a somewhat longer period. He was the first Speaker since Allister Grosart in 1979 to have taken an interest in the rules prior to, or indeed following, his appointment. Even when we disagreed with a decision, we knew that Speaker Molgat would have asked the right questions of the able advisors and that he had brought an informed judgment to bear on the matter in question.

It is no disrespect to his predecessors to say that conversancy with the rules was not their most obvious qualification for office. They were men and women of great distinction in our country, and it was in recognition of their distinction that they were appointed Speaker. The Senate being what it is — or what it is intended to be — the Speaker's familiarity with the rules was rarely tested in our proceedings. Senator Molgat was no less

distinguished than his predecessors were, only more knowledgeable and experienced in parliamentary life.

For reasons that need not detain us at the moment, the role of the Speaker as presiding officer in this chamber has had to become more activist, more interventionist recently. This is a very fine line for Mr. Speaker to walk. Our Speaker does not enjoy the authority, nor is he vested in the impartiality, of his elected counterpart in the Commons. He is appointed by and serves at the pleasure of the Crown. He may vote on questions before the Senate. He need not be aloof from the affairs of his party. He can be, and on at least one occasion in Canadian history was, a member of the cabinet while serving as Speaker.

Speaker Molgat walked the fine line successfully because he had the personal qualities that make a good presiding officer. These include an innate dignity, good judgment, a sense of perspective and a sense of humour. These qualities Speaker Molgat possessed in abundance. They add up to the most precious asset a Senate Speaker can have, moral authority, and Speaker Molgat had that, too, in abundance.

The Speaker of the Senate ranks fourth in Canada's Table of Precedence, after the Governor General, the Prime Minister and the Chief Justice. Ceremony, protocol, and sometimes a more active diplomacy on behalf of Canada take up far more than people suppose of the Speaker's time, attention and effort. Several years ago, I was among a small delegation of senators headed by Speaker Molgat who visited China and met with political, economic, cultural, and judicial leaders there. More frequently, I was present here in Ottawa when he received foreign dignitaries. Speaker Molgat and Mrs. Allison Molgat always did Canada proud, and one was always proud of them on those occasions.

[Translation]

Honourable senators, everyone knows how perfectly bilingual Senator Molgat was, but he also had an even rarer and more desirable quality, true Canadian biculturalism. Earlier, the Leader of the Government, Senator Carstairs, alluded to it, quite correctly. Senator Molgat was perfectly at ease in the two great cultural traditions of our country.

Having been both a provincial and a federal parliamentarian, he had a very good understanding of the history and value of constitutional traditions and institutions. A committed citizen, his collaboration and leadership in charities was much sought after and always given generously, in both linguistic communities of Canada, especially those of his native province. A proud Franco-Manitoban, Senator Molgat was a staunch advocate of the rights of linguistic minorities throughout Canada.

I know little of his childhood, his youth or his family. However, I think it is worth mentioning that this one family from the town of Ste. Rose du Lac, Manitoba, gave us both Senator Molgat and his brother Ambassador Daniel Molgat, one of the most respected leaders of Canada's diplomatic service. This is a source of pride for his descendants and of inspiration for us all.

[English]

His life has been a good Canadian story and he has earned the gratitude of Parliament and of the country.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I will limit my remarks to a small personal note.

On rare occasions in our lives we have the privilege of meeting and knowing special people. Senator Molgat was one such person; he was exceptional.

When you appointed me to be the Speaker *pro tempore* of the Senate in November 1999, Senator Molgat was a source of inspiration to me. I learned so much from him, not from anything that he had previously prepared or written down as a directive, but from his example. I quickly learned of his quest for excellence at all times. He inspired great respect in this house. His was an unwavering commitment to our institution, the Senate, and to the Government of Canada; he admired his country as a whole.

Like him, I represent minority francophones in Canada. I quickly understood a senator's role in representing people as I saw his constant interest in and affection for Franco-Manitobans.

His ability to share his knowledge with warmth, dignity and good humour at meetings such as Encounters with Canada, Young Encounters, the teachers' forum, and the Forum for Young Canadians, and at official receptions and dinners in the company of foreign diplomats and parliamentarians, was an inspiration to me.

Last week, I had the honour of representing the Senate of Canada at a forum in Mauritania, West Africa. Senator Molgat had recently visited that country, and made quite an impression. I was given many messages expressing admiration. I was to pass these messages on, Tuesday morning.

Honourable senators, we mourn the passing of Senator Molgat. Today, we are sad to have lost him, but richer for having known him.

Allison, thank you. My heart goes out to you.

Hon. Gérald-A. Beaudoin: Honourable senators, Senator Gildas Molgat's long and brilliant career in the Senate of Canada spanned 30 years. He held numerous important positions. Others have mentioned his contributions as the chair of Senate committees, parliamentary associations and parliamentary delegations to other countries, as Deputy Speaker and Speaker of the Senate from 1994 to 2001.

[English]

He was involved in the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada in 1971-72, as co-chair, and in the Special Joint Committee of the

Senate and of the House of Commons on Senate Reform in 1983-84, the Molgat-Cosgrove report, again as co-chair. Those very interesting reports are still quoted by politicians, historians and academics.

In 1971, I appeared before the Special Joint Committee on the Constitution of Canada as dean of law.

[Translation]

This was the first time I encountered Senator Molgat. He represented our country internationally on many occasions. In my view, he extended the sphere of activities of the Speaker to the diplomatic level, which is relatively new and an excellent idea.

Senator Molgat was a friendly man, very at ease in our cultures. He did much to strengthen the legislative arm of the Government of Canada. His legacy will be a lasting one. Parliament owes him much.

I extend to his wife, Allison, and all his family my deepest sympathy.

[English]

Hon. Dan Hays: Honourable senators, I should like to read a message from the Prime Minister to share words of condolence that he extends to the Molgat family. The Prime Minister states:

Dear Allison:

Aline and I would like to extend our heartfelt sympathies to you and your family on the passing of your husband, Gil.

There can be no loss greater than that of the person with whom you have chosen to share your life. At this difficult time, it is our hope that the memory of the remarkable person that he was and the support of loved ones and friends will help to ease your grief.

Gil was a Parliamentarian of tremendous integrity and resolve, who served the people of Manitoba and, indeed, all Canadians with great skill. It was both an honour and a privilege to have served alongside him in Ottawa — in opposition and in government. He will always be remembered for his engaging personality, his good humour and incredible intellect, as well as his abiding commitment to public service. Indeed, his contributions to the development of this nation are many and you may take some solace in the fact that he leaves behind a rich legacy that will live on for many, many years to come.

Our thoughts and prayers are with you and your children, Anne and Mathurin.

Sincerely,
Jean Chrétien

Honourable senators, not as a senator speaking here now but in another capacity, I have received many letters of condolence from Speakers of the international community.

I would like to extend my deepest condolences to Allison, Mathurin and Anne Marie, and to Ginette Lafrenière and those who provided so much assistance and support to Senator Molgat during his years in the Senate.

We are all very aware of what the loss of our colleague and friend means in terms of the many unfinished projects that he looked forward to completing such as the review and restatement of the Senate rules, in part alluded to by Senator Murray.

• (1500)

Although Gil served in virtually every leadership role during more than 30 years as a respected member of this place, he will be remembered most fondly as our former Speaker, particularly by me. With all due respect to Senator Blanch-Staunton, those rulings when I was deputy leader were absolutely superb.

I remember the debates we had when Speaker Molgat was in the Chair. We all benefited from his interest in procedure, his firmness and his sense of humour. Senator Molgat was always a great defender of this place. He enjoyed our traditions and worked hard to preserve them. The example of his success in achieving his goals is now a part of our history.

[translation]

Senator Molgat was a proud francophone, a true Manitoban and a great Canadian. In the course of his long and distinguished career, he was an ardent defender of constitutionalism and minority rights. Gil was an exceptional human being with an ongoing sense of justice. He was a source of inspiration to us all.

[English]

His wisdom and easy manner made him a valued friend and advisor to all whose lives he touched. I will endeavour to follow his good example, as I know all here will. He brought great honour to this institution and we will all cherish his memory.

[translation]

[Farewell, my friend.

Hon. Lise Bacon: Honourable senators, it is with great sadness that I pay tribute to our colleague, the Honourable Gildas Molgat, who was so suddenly taken away from his family and friends.

I will not talk about his career, which was so full of accomplishments. Let me simply say that he spent his whole life in the service of his country. Because of his deep common sense and sound views, his advice was always well received.

Senator Molgat was an honest and good man who had earned the trust and respect of all. It is with a deep sense of regret that we lose a colleague with whom we were so proud to work.

Allison and her children can find solace in their great sorrow in the sympathy expressed by all those who knew him and appreciated him, here and all over the world.

Allow me to read a message that I received today from François Loncle, the chairman of the foreign affairs committee of the French National Assembly and the president of the Canada-France Inter-Parliamentary Association. The message reads as follows:

It is with great sadness that I heard of the sudden death, at age 74, of the Honourable Gildas Molgat, a senator from Manitoba and former Speaker of the Senate of Canada, whom I have known for over 20 years.

We had the honour and pleasure of welcoming him to France last summer, for the 30th session of the Canada-France Inter-Parliamentary Association. We could all see how much he loved our country. His availability, talent, refinement and great attention to Franco-Canadian issues made him a major figure in our association and a great Canadian.

Gildas Molgat, who was a member of the Legislative Assembly of Manitoba from 1953 to 1970, a senator appointed by Prime Minister Elliott Trudeau in 1970, the Deputy Speaker of the Senate from 1983 to 1991, and the Speaker from 1994 to 2000, was an experienced parliamentarian who was appreciated by all in the Parliament of Canada.

As a Franco-Manitoban, as he liked to call himself, he cared as much about his country's unity as about the Francophonie, which he considered his family.

On my own behalf and on behalf of the many French deputies who love Canada, I offer to his wife, Mrs. Allison Molgat, to his two children, Anne and Mathurin, and to his colleagues in the Parliament of Canada, the most sincere condolences of the French delegation to the Canada-France Inter-Parliamentary Association.

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, politics, like the human condition, like character, has a dark and a sunny side. For me, the late most Honourable Gildas Molgat represented the very best in politics — the sunny side of politics, the politics of joy.

I first met Gil four decades ago in the early 1960s when I travelled to Winnipeg for a Liberal Party meeting. Gil was then Leader of the Liberal Party and Leader of the Opposition in Manitoba. Three things immediately struck me when I first met him: first and foremost, his sunny, smiling disposition; second, his sensitive interpersonal skills; and, third, his fluent, articulate and easy bilingualism.

Leading the opposition in Manitoba can be a lonely, difficult task. Gil was able to enter the cut and thrust of politics in that province, never losing his gentle and graceful manner.

The next event I recall was the dark and difficult period of the debates in this chamber on the GST, as alluded to today by the Leader of the Opposition in the Senate. Gil was the deputy leader at the time. He was most unhappy with the unruliness of the debate and the unseemly conduct on both sides. It was so out of keeping with his personal predilection to resolve issues by careful, quiet and fair diplomacy. Throughout that raucous period, he remained a man of deliberation and honour, convinced in his convictions, certain in his principles about the role of the Senate as a chamber of sober second thought.

Gil's career as a senator was exemplary. His innate skills shone through when it came his time to act as Joint Chair of the Special Committee on the Constitution. The other co-chair, you will recall, was another late great friend of ours, Mark MacGuigan. Their report was called the MacGuigan-Molgat report. Many ideas from that report were later incorporated in the Constitution of 1982. Then in the Special Joint Committee on the Reform of the Senate, Gil joined with Paul Cosgrove, Member of Parliament for Scarborough, as co-chairs. That report, as others have mentioned, still bears reading today.

Who can forget the great dignity Gil lent to the chamber as Chair of the Committee of the Whole on the Meech Lake Constitutional Accord when Mr. Trudeau made his last memorable appearance in Parliament here on the floor of the Senate?

Incredibly, after being President of the Liberal Party, whip of the Senate, Deputy Leader of the Senate, Deputy Speaker of the Senate and, finally in 1994, as Speaker of the Senate, Gil continued to grow in stature on every task he undertook, large or small. As Speaker of the Senate, he was unparalleled in dignity, integrity and objectivity. The careful scholarship he brought to the opinions of the Speaker was not a facile pose.

Honourable senators, the role of the Speaker is never an easy one. Appointed under the Parliament Act by the Prime Minister, it is always difficult to separate one's loyalty and allegiance and still maintain the independence, integrity and objectivity required by the duties of that office. Yet, this is precisely what Gil did. Recently, when importuned to vote on a thoroughly contentious matter, he refused. Principle and integrity overruled the natural pull of loyalty and allegiance.

The full story of Gil Molgat as Speaker is yet to be told, but those of us who know only parts of his story will forever admire his invincible integrity. Gil Molgat, soldier, businessman, scholar, politician, diplomat, was a leader in all facets of his

career, rising from the bottom to the top by the dint of his own energy and his own honour.

Honourable senators, "honour" is a word much used and much abused. Gil lived and died a man of honour. What better tribute can his colleagues here in the Senate pay to him?

In 1770, the great English parliamentarian Thomas Burke noted:

It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the politician who is the philosopher in action to find out proper means towards those ends, and employ them with effect.

Gil was relentless in his search for the proper means to make politics a profession of honour.

Honor virtutis praeium: Honour is the reward of virtue. So said Cicero. So say we about Gil Molgat.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I will make a small personal comment. We were good friends. Gildas and I. We had known each other a long time, perhaps 30 or 35 years. We often travelled together. Allison will recall that we had an exceptional experience in Japan. Gildas was chairing a meeting of the Inter-Parliamentary Union in Tokyo. In this sea of humanity, we were very conspicuous. We had a guide known as Sunshine. Gildas had told everyone to bring along the address of the hotel in Japanese in order to be able to return there after the event.

• (1510)

That was clever of him. He was an excellent head of delegation. He believed that if you do not know where you come from, you cannot return there when you want to. It takes a compass, as we all know, to find our bearings and travel in the unknown. Senator Molgat knew how to find his bearings. He was a credible Canadian ambassador, appreciated by all internationally. He was a great Canadian. A Franco-Manitoban by birth, he understood his cultural and linguistic roots well. He had everyone's respect. He was a great French Canadian.

For me, he was a great friend and colleague for over 35 years. He knew how to weather a storm — something I have yet to learn. His death leaves me very sad. I wrote him a week ago about his report on the study of the Senate rules, which he had given to the Standing Committee on Privileges, Standing Rules and Orders. It had been agreed that, yesterday morning, we would meet. I wrote him on February 21 on this and addressed my letter thus: "My dear Speaker. You will remain my Speaker until you leave this world." It is an old custom or practice in the francophone community. Once you are Speaker, you remain so for life. To my mind, Senator Molgat was Speaker for life. Gildas is gone. He will not be forgotten. I thank you, Gildas, for all you contributed.

[English]

Hon. Janis G. Johnson: Honourable senators, I met the late Senator Molgat when I was a kid and he and my dad sat in the Manitoba legislature. My dad was a minister in the government of Duff Roblin and Gil Molgat was the leader of the Liberal Party. I grew up listening to stories of the legendary legislative debates amongst Molgat, Roblin, Lyon, Pauley, Johnson and many others. Thirty years later I arrived in the Senate of Canada, and there was Senator Molgat greeting me with a kazoo.

Gil Molgat was a passionate man when it came to politics, and I had learned this as a youngster, so I was very understanding of his welcoming of me and my colleagues at that time. Coming to the Senate was rather intimidating, and I was somewhat shaky until he came over to me and whispered in my ear, "Your dad must be very proud of you today. He and I go back a long way, and if you are anything like him, you old Icelander, you'll serve your country well."

Honourable senators, it was an honour and a distinction to work with Gil Molgat, especially on Manitoba issues. However, it was in his role as Speaker of this chamber that Senator Molgat truly shone. He was such an excellent Speaker; he was fair, articulate, intelligent and capable. Senator Molgat also held incredible parties, dinners, receptions, breakfasts, along with his marvellous wife, Allison, who was his partner for so many years. She was also a dear friend of my late parents.

Honourable senators, the Molgats endeared themselves to many people across this country and around the world with their gracious hospitality. Let me share with you that happened last year, when we Icelanders held our famous — "Thank God it's over." I am sure everyone is saying — millennium celebrations in Ottawa and Manitoba. Senator Gil Molgat was there. With all the other things he had to do he was there to support our events. He came to our dinners, he hosted Icelandic dignitaries, including the Prime Minister of Iceland, as well as our friends, colleagues and acquaintances from Gimli and the little towns in the Interlake of Manitoba, where the Icelandic people settled. We even made him an honorary Icelander, and I can tell you very few ever receive that honour. It takes a whole lifetime, or maybe two. His actions spoke to me once again about Senator Molgat's life-long commitment to and special regard for Manitobans, particularly the ethnic minorities, and I knew this when I was growing up.

Honourable senators, we have lost a very dear friend, colleague and senator. My two Manitoban colleagues, the Honourable Terry Stratton and the Honourable Mira Spivak, join me today in telling you that we really will miss this man who loved his province, his country and served them both proudly all his life.

Our deepest sympathy to you, Allison, and your family, at this very sad time.

Hon. Nicholas W. Taylor: Honourable senators, I will be brief. So many things have been said about Senator Molgat that

are right on. He truly was a soldier, politician, philosopher — a renaissance man. There is little I can add to that so I should like to reminisce a bit instead.

I am a part of that endangered species known as "the provincial prairie Liberal leader," like Senator Carstairs, which creates a special bond with others who have also held that position. It is similar to going through a Dieppe prisoner of war camp together. We shared that bond with Senator Molgat. I had another bond with Senator Molgat in that we both needed two hearing aids, which might not really be a drawback for a politician at times, but he liked to discuss the relative merits of hearing aids. I am sure that Allison, like my wife, spent a great deal of time looking for misplaced ones around the house.

I also recall going into business with Gil Molgat. Many years ago we formed a little company called Petro Mines, got it listed on the Winnipeg Stock Exchange and drilled a hole in Saskatchewan. That was sort of a compromise between Manitoba and Alberta. It did not do too well. Of course, mind you, natural gas was then 10 cents per Mcf or per thousand cubic foot, versus \$9 now, and I believe oil was 80 cents, versus \$38 now. Nevertheless, if the certificates have not already been used to paper a wall, give me a call, because the company has been brought to life by some other people recently. Maybe we can do something.

Honourable senators, travelling with Gil and Allison was an experience in itself, which I have been lucky enough to share at different times. They were great hosts, and a great partnership in life and politics. There is little we can say or do now to help the family ease the sense of loss that must be theirs, but I do hope they take some consolation from the fact that there are literally thousands of Canadians who feel that Canada has been a better place for having Gil Molgat.

Hon. Lorna Milne: Honourable senators, I feel a little shy about standing up here today, down in the rump end of the Senate, because I did not know Senator Gil Molgat as long as others who have spoken today. However, I was one of those people who was privileged to travel with Gil on his last diplomatic mission: the one he led to Saudi Arabia and Qatar at the end of January, which was also his last trip as Speaker of this place.

• (1520)

I have always known that Senator Molgat was both a skilled politician and an able and most patient Speaker here, but I must tell you that his diplomatic skills were even more evident abroad than they were in this chamber. He treated every member of our group in exactly the same way. He gave us all an equal opportunity to contribute to the discussions no matter what our diplomatic pecking order was. He treated everyone we met with equal courtesy, whether they were king, emir or vendor in the street. He was a man of the people and he demonstrated that fact daily.

He put forward Canada's position, whether it was on democracy and elections, human rights or the sharing of medical and educational expertise without offending our hosts or trespassing on our host nation's sovereignty. He never missed a beat. I can still hear his voice saying, as we heard him say so often in this place, "But I must tell you that..." and he would go on to make either his own point or the point of the people of Canada.

After our return from the Mideast, I shared some pictures with Senator and Mrs. Molgat. Just this Monday I got a lovely note from Allison thanking me for those pictures. She ended it with a postscript: "The 'singing swans' last flight was a good one." Indeed it was, as was any flight with Gil Molgat at its head.

Gil was a fine advocate for his region, his people, and his country. He was a lot of fun. More than all of these things, he was a good person. Canada needs more people like Senator Gildas Molgat, not fewer. We are impoverished by his death.

Hon. Anne C. Cools: Honourable senators, I rise to join senators on both sides of the aisle in paying tribute to our colleague, Senator Gildas Molgat, who left us so suddenly and unexpectedly yesterday, Ash Wednesday, the first day of Lent. Lent is that season of the liturgical calendar for penance, reflection and reconciliation. Senator Molgat had been here for a long time. His loss is heavy on the minds of senators and, I would add, the Senate staff. All our thoughts are with his wife and family. All the senators know his wife, Allison Molgat, and what a good woman she is. How devoted she was to her husband. Yesterday, I observed her in our Senate gallery, where she was present during our very short sitting, which only lasted long enough for senators to pause for a moment of silence in honour of Senator Molgat. In the foyer afterwards, I offered Allison my support and consolation. We embraced. She started to speak. I assured her that in this time there was no need for her to utter a single word. She looked into my eyes and she said, "There are no words."

Honourable senators, there are no words. Allison Molgat loved him very deeply and we all know that.

Honourable senators, when facing the insufficiency of words to express human grief and sorrow, I have always found that the scriptures speak best. The Bible speaks so well. I place before senators, and especially before Senator Molgat's family, the words of the New Testament *Book of Revelations. Revelations*, chapter 21, verse 4, tells us:

And God shall wipe away all tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall there be any more pain: for the former things are passed away.

I repeat, God shall wipe away all tears.

[Senator Milne]

Honourable senators, last night at the Ash Wednesday service at my own parish church, I upheld the Molgat family in my prayers.

Honourable senators, I offer Mrs. Molgat, who is in the gallery again today, and the entire Molgat family my sincere support at this difficult time in their lives.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I have known Senator Molgat since 1954.

[English]

When I was a young officer cadet at CFB Shilo, Manitoba, in the early 1950s, he was already a young parliamentarian and I was a young Liberal. I could, therefore, speak for hours. I was a member of that famous committee you all referred to that went across Canada in 1971. Many people said that we were not to sit in Quebec. I decided to organize a public hearing in my own parish, in the basement of a church, and 1,000 people attended. I think almost everyone crashed at our house across the street in Beaubien, St. Denis, and I can still see Senator Josie Quinlan holding court, and my father was very close by holding court, if anyone remembers my father.

Senator Molgat was a super chairman and we had never stopped being close, whether we agreed or not. I share so many souvenirs with Madame Allison. All the souvenirs I have with her are nice, but some are full of grief. I happened to be in Algeria with Mr. Speaker and Madame when she lost her brother in Winnipeg. I did not know what to do. I feel that in these circumstances the best you can do is to hold someone as long as you can without saying a word, as I did yesterday.

I was with Senator Milne and the others on the trip to Saudi Arabia and Qatar. I would have loved you to see what a man Gil Molgat was, not only a great parliamentarian, a great statesman, but also an extraordinarily good ambassador.

Allison and family, I share your grief. I offer to all your family the assurance of my lifetime of friendship. I want all the devoted staff to know that I give them my same lifetime friendship. I am singling out one of the staff but without forgetting all the others. I know how they feel today. My grief also goes to the Chief of Staff, Ginette, who has been so impeccable to the Molgat family.

I do not know if I can make it, but I will try to be at the funeral. I would hope the press will be at the funeral, they who always deny us the right to be what we are at the service in Canada. I know that on Monday there will be real public testimony to a very great man. I would hope that many of us will make an effort to be present.

[Translation]

Madame Allison Molgat, my heart truly goes out to you.

• (1530)

Hon. Leonard J. Gustafson: Honourable senators, I should like to add a word to all the kind words that have been said about Senator Molgat. When I came to the Senate, he was so kind and so understanding. Very often, he would say, "Len, I think you should do this." I had the privilege of travelling with Gil and Allison to Georgia. I do not think I know of a kinder man who exemplified the beatitudes of the Gospel. If ever anyone exemplified the notion that blessed are the poor in spirit, for theirs is the Kingdom of Heaven, it was Gil Molgat.

Allison, God bless you and your family and the memory of a great man.

Hon. Frank Mahovlich: Honourable senators, I should like to read the following quotation:

To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a better place, whether by a healthy child, a garden patch, or a redeemed social condition; to know that even one life has breathed easier because you lived. This is to have succeeded.

That was the answer Ralph Waldo Emerson gave when someone asked him, "What is the answer to life? What is the recipe?" I think Gil Molgat read that statement.

So often, Gil made me feel at ease when I arrived in the Senate two and one-half years ago; when I travelled to Hong Kong and he gave me a wreath to place on a monument for the veterans; and when I came back and thought I would be called upon to give a speech and he pushed me aside and relieved me again, saying, "Frank, I will do the talking."

I wish to express my sympathy to the family and to congratulate them on having such a successful father and statesman.

SENATORS' STATEMENTS

SCOTT TOURNAMENT OF HEARTS

NOVA SCOTIA—CONGRATULATIONS TO WINNING RINK

Hon. Wilfred P. Moore: Honourable senators, last Wednesday, my colleague Senator Callbeck spoke in this place about the Shelly Bradley rink from Prince Edward Island, which was then leading the Scott Tournament of Hearts Canadian Women's Curling Championship in Sudbury, Ontario. I am tickled to report that despite P.E.I.'s strong start, this championship was won by the Colleen Jones rink of the Mayflower Curling Club in Halifax, Nova Scotia, in a gritty eleventh-end comeback victory over Team Canada, the Kelley Law rink of British Columbia. With this third championship,

Colleen Jones joins the elite of Canada's woman curlers, Manitoba's Connie Laliberte, Saskatchewan's Vera Pezer and the late Sandra Schmirler, all three-time winners of the event.

We congratulate skip Colleen and her teammates, lead Nancy Delahunt, second Mary-Anne Waye, third Kim Kelly, spare Lanie Peters and coach Ken Bagnell. We wish them well as they represent Canada at the women's World Curling Championships scheduled for Lausanne, Switzerland, this coming March 31 to April 8.

[Translation]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2001-2002

TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3) of the *Rules of the Senate*, I have the honour to table the Estimates for 2001-2002.

THE ESTIMATES, 2000-2001

SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3) of the *Rules of the Senate*, I have the honour to table Supplementary Estimates (A) for 2000-2001.

BLUE WATER BRIDGE AUTHORITY ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, March 1, 2001

The Standing Senate Committee on Transport and Communications has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-5, An Act to amend the Blue Water Bridge Authority Act, has, in obedience to the Order of Reference of Wednesday, February 7, 2001, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Milne, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[English]

PRIVILEGES, STANDING RULES AND ORDERS

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Terry Stratton: Honourable senators, I have the honour to table the second report of the Standing Committee on Privileges, Standing Rules and Orders. The committee has revised the October 2000 edition of the *Rules of the Senate*. This edition incorporates the amendments made by the Senate on October 19, 2000, to rule 94, which deals with the disclosure of private financial interests.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Mabel M. DeWare, Deputy Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

March 1, 2001

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SECOND REPORT

Your Committee has approved the Senate Estimates for the fiscal year 2001-2002 and recommends their adoption.

Respectfully submitted,

MABEL DEWARE
Deputy Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator DeWare, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

(For text of report, see today's Journals of the Senate.)

BANKING, TRADE AND COMMERCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. David Tkachuk: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of Standing Senate Committee on Banking, Trade and Commerce, which deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

BILL TO GIVE EFFECT TO THE REQUIREMENT FOR CLARITY AS SET OUT IN THE OPINION OF THE SUPREME COURT OF CANADA IN THE QUEBEC SUCCESSION REFERENCE

REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. Joan Fraser: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the report of the Special Senate Committee on Bill C-20, to give Effect to the Requirement for Clarity as Set Out in the Opinion of the Supreme Court of Canada in the Quebec Succession Reference, dealing with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

FISHERIES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Gerald J. Comeau: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Fisheries, which deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

*Translation]***THE ESTIMATES, 2001-2002**

NATIONAL FINANCE COMMITTEE
AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58 (1)(f), I move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2002, with the exception of Parliament Vote 10 and Privy Council Vote 25a.

Motion agreed to.

• (1540)

VOTE 10 REFERRED TO THE STANDING JOINT COMMITTEE
ON THE LIBRARY OF PARLIAMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2002; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

VOTE 25 REFERRED TO THE
STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25 of the Estimates for the fiscal year ending March 31, 2002; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

THE ESTIMATES, 2001-2002

NATIONAL FINANCE AUTHORIZED TO EXAMINE
SUPPLEMENTARY ESTIMATES (A), 2000-2001

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Senate Committee on National Defence be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2001, with the exception of Privy Council Vote 25a.

Motion agreed to.

**PRIVY COUNCIL VOTE 25A
OF SUPPLEMENTARY ESTIMATES (A)**

REFERRED TO STANDING JOINT COMMITTEE
ON OFFICIAL LANGUAGES

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25a of the Supplementary Estimates (A) for the fiscal year ending March 31, 2001; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

**CANADA-FRANCE
INTER-PARLIAMENTARY ASSOCIATION**

THIRTIETH ANNUAL MEETING—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Gérald-A. Beaudoin: Honourable senators, I have the honour to table the report on the thirtieth annual meeting of the Canadian delegation to the Canada-France Inter-Parliamentary Association that was held in Paris, Marseille and Nice, France, from September 9 to 16, 2000.

FISHERIES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau: Honourable senators, I give notice that on Tuesday next, March 13, 2001, I shall move:

That the Standing Senate Committee on Fisheries be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY
MATTERS RELATING TO FISHING INDUSTRY

Hon. Gerald J. Comeau: Honourable senators, I give notice that on Tuesday, March 13, 2001, I shall move:

That the Standing Senate Committee on Fisheries be authorized to examine and report upon matters relating to the fishing industry;

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than March 31, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

[English]

**CANADA BUSINESS CORPORATIONS ACT
CANADA COOPERATIVES ACT**

NOTICE OF MOTION TO AUTHORIZE BANKING, TRADE AND
COMMERCE COMMITTEE TO APPLY PAPERS AND EVIDENCE
OF PREVIOUS SESSION TO CURRENT STUDY

Hon. David Tkachuk: Honourable senators, on Tuesday, March 13, 2001, Senator Kolber will move:

That the papers and evidence received and taken by the Standing Senate Committee on Banking, Trade and Commerce during its study of Bill S-19, to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence, in the Second Session of the Thirty-sixth Parliament be referred to the Committee for its present study of Bill S-11, to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. David Tkachuk: Honourable senators, I give notice that on Tuesday, March 13, 2001, Senator Kolber will move:

That the Banking, Trade and Commerce Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. David Tkachuk: Honourable senators, I give notice that on Tuesday, March 13, 2001, Senator Kolber will move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE
OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. David Tkachuk: Honourable senators, I give notice that on Tuesday, March 13, 2001, Senator Kolber will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First and Second Session of the Thirty-sixth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, notwithstanding usual practices, the Committee be permitted to deposit an interim report on the said subject with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber; and

That the Committee submit its final report no later than March 31, 2002.

• (1550)

Hon. Anne C. Cools: Honourable senators, I rise on a point of order. I am very curious. I thought I heard Senator Tkachuk say that he was giving notice that another senator will do something. How is that possible?

The Hon. the Speaker: I must advise Senator Cools that under our rules points of order must be raised at the end of Orders of the Day just before Government Business. I will hear her then.

I now call on Senator Milne.

Senator Cools: It is more of a question than a point of order.

[Translation]

The Hon. the Speaker: If we could deal with it as —

Senator Cools: It is not that profound. The question may be very easily settled and clarified. I believe that I heard Senator Tkachuk say that he was giving notice that another senator will do something. I am curious. How can one senator give notice that another senator will do something?

The Hon. the Speaker: Honourable senators, that is a point of order on whether proper procedure was followed. The honourable senator heard correctly. Under our rules, the time for us to deal with that matter is just before Government Business.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Lorna Milne: Honourable Senators, I give notice that at the next sitting of the Senate, I will move:

That, the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Lorna Milne: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES

ALLEGATIONS IN PRESS WITH REGARD TO MINISTER— NOTICE OF INQUIRY

Hon. Pierre De Bané: Honourable senators, with leave of the Senate and notwithstanding rule 57(2), I give notice that later today I will call the attention of the Senate to certain allegations made in the press against the Minister of Public Works and Government Services, the Honourable Alfonso L. Gagliano.

[English]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Lowell Murray: The honourable senator has given notice that he will raise that matter of allegations in the press later today. Is that why he is asking the leave of the Senate?

[English]

Hon. Anne C. Cools: Perhaps the Honourable Senator De Bané can tell us why leave is required. It seems to me that whenever leave is requested, which should happen exceptionally, senators should be given an indication of why it has been requested. Perhaps the senator could tell us why leave is required.

Senator De Bané: Honourable senators, this is my first opportunity to bring this issue forward. Due to the tragic passing of our former Speaker, the Senate has not conducted its usual business in the past few days. This issue has already been brought before the House of Commons. *Le Journal* and *La Presse* have both apologized and retracted. Time is of the essence because it will become irrelevant if we wait another week or two. That is why I have requested the indulgence of the Deputy Leader of the Opposition to make a statement about the honour of the minister at the end of our sitting today.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. John Lynch-Staunton (Leader of the Opposition): No.

The Hon. the Speaker: Leave not being granted, the matter will be placed on the Orders of the Day for two days hence.

[Translation]

CABLE PUBLIC AFFAIRS CHANNEL

CLOSED CAPTIONING SERVICE—NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Tuesday, March 13, 2001, I shall call the attention of the Senate to the current negotiations on the renewal of the broadcasting agreement between the Senate and CPAC, the Cable Public Affairs Channel, to ensure that they include the closed captioning of parliamentary debates authorized for television and that the renewal of this agreement reflect the commitments made by CPAC on services for the hearing-impaired.

NATIONAL EDUCATIONAL TELEVISION NETWORK

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Tuesday, March 12, 2001, I shall call the attention of the Senate to the need to establish a national educational television network.

[English]

QUESTION PERIOD

FISHERIES AND OCEANS

EAST COAST—PROPOSAL TO SPLIT FISHING ZONES INTO NATIVE AND NON-NATIVE AREAS

Hon. Gerald J. Comeau: Honourable senators, my question is addressed to the Leader of the Government in the Senate. It concerns a report in the *Halifax Chronicle-Herald* on Sunday that a federal fisheries proposal was made to split fishing zones into native and non-native areas, dividing Saint Mary's Bay in Nova Scotia, Malpeque Bay in Prince Edward Island, and Miramichi Bay in New Brunswick, with the natives getting the best half because they were there first.

Given the consequences of such a proposal, which I need not spell out for the Leader of the Government in the Senate, would the minister seek the full details of the federal proposal and table those in this house as soon as possible?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. In particular, I thank him for the memorandum he sent to my office in which he gave me notice that this question was forthcoming.

I have made inquiries. The negotiations are in the beginning stages. In essence, everything is on the table and nothing is on the table at this point in the negotiations. I will, to the best of my ability, keep the honourable senator abreast of the negotiations as they proceed.

The article to which the honourable senator made reference is extraordinarily premature.

Senator Comeau: Honourable senators, I have made my point clearly. Given the ramifications of even suggesting the splitting of Saint Mary's Bay, Malpeque Bay and Miramichi Bay, I do not think it has dawned on the minister how powerful the effect of this proposal would be on the future of our communities — socially, economically and investment-wise. Any suggestion that this proposal is even being discussed could cause extreme damage that may never be rectified.

To repeat the first part of my question, will the Leader of the Government table as soon as possible such proposals in order that the people in those communities affected by the discussion of this can start to make plans for the future?

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

NOVA SCOTIA—PROPOSAL TO SPLIT PROVINCE BETWEEN NATIVE AND NON-NATIVE GROUPS

Hon. Gerald J. Comeau: Honourable senators, on another aspect of that newspaper article, it reports that a native who was involved in those negotiations made a proposal to split Nova Scotia right down the middle.

• (1600)

Honourable senators, this is a direct quote from the newspaper and Senator Graham should have read it.

Hon. B. Alisdair Graham: What makes you think that I did not read it?

Senator Comeau: This is a direct quote, "We will take everything from just above Halifax to Yarmouth and the non-natives can take everything from Truro to Cape Breton."

Given the Acadian heritage of many of these communities in western Nova Scotia, would the minister not agree that the government should walk away from any discussion whatsoever that raises the spectre of moving people away from these Acadian communities of Nova Scotia?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. There are two aspects to what the honourable senator has laid before the Senate this afternoon. In respect of the first aspect, I shall do my best to keep him informed as soon as possible. Frankly, I am allowed to provide him with that information.

At the same time, I shall also express the very grave concern that he has raised in this chamber this afternoon. I shall raise those concerns with the Minister of Fisheries. However, I am informed that Chief Paul's remarks regarding zones and province splitting are not a negotiating point.

[Translation]

FISHERIES AND OCEANS

EAST COAST—SALE OF FISHING LICENCES TO BE TRANSFERRED TO NATIVE GROUPS

Senator Comeau: Honourable senators, I read this morning in the newspaper *L'Acadie Nouvelle* that, in the Acadian Peninsula, several fishing licences held by people are being up bought by the government and then transferred to native groups.

All shipmasters and licence holders are being compensated. However, crews and their families, plant workers and people in the community are losing their jobs. These communities are already in trouble. These people are not wealthy; they are day labourers.

Right now, the government is not doing anything to compensate those who lose their jobs, or to take care of them. The only option for these people is to move, to leave the community they grew up in.

Could the minister inform cabinet of these concerns? Will the government pledge to take measures to compensate the people in these communities who lose their jobs? The government could do even more by inviting these people to sit at the negotiating table to look at the future. At present, these people have not been invited to do so, because negotiations are being conducted *in camera*.

English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. As he knows, the licences are not owned by the crew but, in fact, by the captain of the boat. The honourable senator has raised a serious concern, specifically the impact of the sale of those licences if they are then part of the licence that goes to the aboriginal community. Obviously, one would assume that they would then hire crew from their own communities and not hire the previous crews that the captain had employed. I will bring those concerns to the Minister of Fisheries.

Senator Comeau: Honourable senators, I think it must be taken further than that. The minister is right in that the licence holders themselves are to be well compensated during the purchase of those licences in order to transfer them to native groups. However, it is the crews that had, in the past, hopes of eventually owning licences so that they could carry on traditions that have been in their families for generations. Now, they see no hope at all of ever becoming captains of vessels. Thus, their hopes are lost, and the hopes of these communities are going down the drain.

It is very difficult because many of these communities, I remind the minister, are of Acadian extraction. They have gone through some difficult times in their history just to survive in this country, but never have they complained. Now, they see their very past and future negotiated without any say whatsoever. They have to hear about it as they did yesterday, or this morning, through letters from lawyers that stated, "Sorry, your job is gone and there is nothing you can do about it." It has to be more. These people have to be invited to the table to look at their past as well as their future.

Senator Carstairs: Honourable senators, I thank the honourable senator for his question. He has raised, clearly, a concern of the fishing community from which he comes. I shall ensure that the minister is aware of those concerns, frankly, before I leave to go to Manitoba this weekend.

CHURCH COMMUNITY

FINANCIAL SUPPORT TO SETTLE LAWSUITS
BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS

Hon. Douglas Roche: Honourable senators, my question is addressed to the Leader of the Government in the Senate. It concerns the residential schools issue. There is deep concern that the government's proposed solution to the more than 6,000 lawsuits will assign a multi-million dollar share of responsibility to the four churches involved, Catholic, Anglican, United and Presbyterian.

Can the minister assure the Senate that the government, instead of blaming the churches for the problem of residential schools, will accept that it was primarily the policies of the Canadian government that caused cultural deprivation, and thus the government should effect a solution without bankrupting the churches?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. There is no policy at the present moment. As the honourable senator knows, there have been negotiations between the Deputy Prime Minister and members of the churches who were operating the residential schools in this country. No decisions have been made. Therefore, it is premature to discuss what final proposal may be put forward when such a final proposal is still in the discussion stage.

Senator Roche: Honourable senators, I thank the minister for her answer.

Could she make an inquiry into why the government, in particular Mr. Gray's office, has not convened any meetings between the churches and the First Nations leaders together with representatives of the government so that all concerned can pursue a just and meaningful solution to this problem and find some remedial action to foster a reconciliation approach that would provide the healing needed and be less quarrelsome and less expensive than litigation?

Senator Carstairs: Honourable senators, I think that has been the whole purpose of the negotiation, which is to find both some remedial action and a means by which the churches can continue to be active in this nation and to continue to do good work. Some of that good work is done for Aboriginal people in this country without bankrupting the churches, and the negotiations, as I indicated earlier, are ongoing. As to the honourable senator's specific question about why the Deputy Prime Minister has not met with these groups, I can only ask the Deputy Prime Minister for that explanation.

FOREIGN AFFAIRS

UNITED STATES—MISSILE DEFENCE SYSTEM— COMMENTS BY MINISTER

Hon. Pierre Claude Nolin: Honourable senators, earlier in the week the Minister of Foreign Affairs was in Brussels. If the newscasts were right, he said that Canada was supportive of being part of the NMD. Can the minister comment on that statement, please?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, no, I am afraid that I cannot comment on that statement. I have no knowledge whatsoever of it; however, I will obtain it for him and bring it back to the house.

HUMAN RIGHTS

RATIFICATION OF INTER-AMERICAN CONVENTION ON HUMAN RIGHTS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, would the minister, knowing the views of honourable senators on both sides of this house concerning the promotion of protection of human rights, be supportive of Canada ratifying the Inter-American Convention on Human Rights?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I cannot tell him exactly what the position of the government is on this matter at this time. I shall try to obtain that information for him.

• (1610)

Senator Kinsella: Honourable senators, a couple of days ago, the Special Ambassador for Human Rights and Democracy, Ambassador Acosta, who was appointed by President Vincente Fox of Mexico, was in Ottawa. She expressed the view that it would be great if Canada ratified the Inter-American Convention of Human Rights prior to the Summit of the Americas in April.

If all of the provinces are in agreement, would the minister feel that the Government of Canada would be able to follow the advice of the human rights ambassador for Mexico?

Senator Carstairs: I can tell the honourable senator that the Prime Minister has gone on the record as saying that human rights will become an issue at the Summit of the Americas. As to specific plans to ratify treaties prior to that summit, I do not have that information, but I will attempt to obtain it.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have four delayed answers. The first one deals with the questions asked by

Honourable Senators Corbin, Nolin, Gauthier and Comeau, on January 31, 2001, and February 6, 2001, regarding official languages and the Speech from the Throne delivered on January 30, 2001. I also have delayed answers to questions raised by Senator Murray on February 6, 7 and 8, 2001, concerning the funding of abortion services and to a question asked by Senator Oliver on February 8, 2001, on the report of the auditor general and the future role of the department in the establishment of standards at the Department of Health, and the recruitment program for the Bureau of Biologics.

OFFICIAL LANGUAGES

SPEECH FROM THE THRONE—SUSTAINING OFFICIAL LANGUAGE MINORITY COMMUNITIES

(Response to questions raised by Hon. Eymard G. Corbin, Hon. Pierre Claude Nolin, Hon. Jean-Robert Gauthier and Hon. Gerald J. Comeau on January 31 and February 6, 2001)

In the last Speech from the Throne, the Government of Canada strongly reaffirmed its commitment to Canada's linguistic duality. It confirmed that duality is at the heart of Canadian identity and that it constitutes a key element of our vibrant society.

Therefore, the Government continues its efforts so that official-language minority communities throughout the country are:

strong and dynamic, including demographically;

supported by numerous partners which help them to actively participate in Canadian society;

fully capable of ensuring their long-term development.

In addition, the Government is committed to reinforcing French culture and language throughout the country and will mobilize its efforts to ensure that all Canadians may interact with the Government of Canada in either official language.

HEALTH

NEW BRUNSWICK—FUNDING OF ABORTION SERVICES

(Response to questions raised by Hon. Lowell Murray on February 6, 7 and 8, 2001)

New Brunswick's and Manitoba's policy on abortion services is to pay on a publicly insured basis only for those that are carried out in a hospital. The Government of Canada has concerns about this approach. The Canadian Health Act applies to insured hospital and physician services. The Act requires that all medically necessary hospital and physician services be provided on uniform terms and conditions.

That is, all medically necessary hospital services are to be provided without any financial or other barriers. Hospital services include those offered in any facility or a portion thereof that provides hospital care.

Abortion is an insured service in all provinces and territories. Federal and provincial officials are engaging in bilateral discussions to reach a resolution of this issue.

AUDITOR GENERAL'S REPORT—

FUTURE ROLE OF DEPARTMENT IN SETTING STANDARDS

(Response to question raised by Hon. Donald H. Oliver on February 8, 2001)

As part of the federal government's regulatory policy development, authorities must ensure that Canadians are consulted, and are given an opportunity to participate in developing or modifying regulations and regulatory programs; they must be able to demonstrate that a problem or risk exists that, federal government intervention is justified and that regulation is the best alternative. Government must also ensure that benefits outweigh the costs to Canadians, their governments and businesses.

One consideration in the current trend in regulatory reform is to find and use the appropriate means for achieving these regulatory goals. It is in this context that the use of a standards-based regulatory framework is being explored by Health Canada for some biologics. Technical standards as a means of controlling product quality may be particularly appropriate for complex products such as biologics where the regulated industry needs detailed information on requirements.

The Standards Council of Canada, which is a Crown Corporation mandated by Parliament to approve National Standards on Canada, has been contracted to develop the standards. The standards are developed by a committee of interested parties with expertise, including government representatives, who seek to reach consensus on the standards. Health Canada realizes that the issues of coordination, leadership and accountability become more critical with the increased roles and responsibilities of key players in the standards development system.

Whatever the approach adopted, the Department will retain the full authority to put independent regulatory action in place.

AUDITOR GENERAL'S REPORT—RECRUITMENT PROGRAM FOR BUREAU OF BIOLOGICS

(Response to question raised by Hon. Donald H. Oliver on February 8, 2001)

Health Canada and the U.S. Food and Drug Administration are formalizing an existing partnership to develop a combined database for adverse events reports, to share information and assist in identifying rare, but critical, adverse reactions.

The Department recognizes the challenges it faces in obtaining qualified staff. Funding was sought and obtained through special Treasury Board Submissions to fill drug submission reviewer vacancies and increase base capacity. The Department is competing aggressively with universities and private industry for highly qualified staff, particularly in the biologics area where the competition is most acute. The Department is marketing vacancies to specific groups, offering innovative work arrangements and coordinating the staffing effort in order to reduce any possible inefficiencies in the staffing process.

A continuing education initiative to provide formal specialized training for new and existing staff is in place and will be incorporated into a broader human resource development framework.

[English]

ORDERS OF THE DAY

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Furey, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-16, to amend the Proceeds of Crime (Money Laundering) Act.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I will speak at second reading, although this item was adjourned by Senator Kelleher. I am advising the house that he has yielded to me and that I shall speak as critic for the opposition on this bill.

The act to amend the Proceeds of Crime Act was known in the last Parliament and is currently known as the money laundering bill. Our colleague Senator Furey explained to the house that the amendments are based upon an undertaking by the government last June to our Standing Senate Committee on Banking, Trade and Commerce. At that time, the government was particularly anxious to have the money laundering bill passed into law. Rather than agreeing to make the necessary amendments to the bill before it passed, the Secretary of State for financial institutions instead undertook to make the changes at a later date.

Our Banking Committee also made three unanimous recommendations for the minister to consider and, it was hoped, to implement. We note with considerable dismay that the government has chosen to ignore these recommendations. We were particularly disappointed that the government chose not to require FinTRAC, the new agency charged with enforcing the money laundering act, to obtain a warrant before inspecting records and files held in lawyers' offices. Not only does the act force lawyers to breach their oath of confidentiality, but it also fails to afford the information sought the same protection it would have if it were held in a private dwelling.

Honourable senators, confidentiality is one of the basic tenets of our legal system. Lawyers have sworn to uphold this tenet, and clients depend upon it. A visit to a lawyer's office often involves the client divulging sensitive, perhaps valuable, and often personal information. Canadians need to be assured that this information is provided all reasonable protection.

The release of this information should only happen after careful consideration and under highly prescribed circumstances. At the very least, the onus should rest clearly on the shoulders of the government to satisfy a judge and obtain a warrant before its release. If the government is required to obtain a warrant to enter and obtain documentation from a private citizen in a dwelling house, then, by logical extension, the government should also be required to obtain a warrant to enter and obtain information and documentation a private citizen has relayed to a lawyer.

Surely, citizens deserve the same legal protection regardless of where their personal or private information is stored. The money laundering act provides that a lawyer may claim solicitor-client privilege for information sought by FinTRAC. This is all well and good, but the burden is on the lawyer and the client to make application to the court to have this privilege upheld.

Honourable senators, I think it is unreasonable that lawyers and their clients are forced to pay the costs of a court application to enforce a basic right that has a long tradition in this country — the basic right of solicitor-client privilege. Surely, innocent taxpayers should not have to pay to protect against an invasion of their privacy.

Honourable senators, as I indicated, the minister has lived up to his undertaking to the Standing Senate Committee on Banking, Trade and Commerce to introduce amendments to the money laundering act. However, he must now be open to those

other reasonable amendments that were unanimously recommended by our Banking Committee. Thus, I ask that the Banking Committee, to which this bill will be referred, revisit these issues once the bill is before it.

• (1620)

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators when shall this bill be read a third time?

On motion of Senator Robichaud, bill referred to Standing Senate Committee on Banking, Trade and Commerce.

PATENT ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jack Wiebe moved second reading of Bill S-17, to amend the Patent Act.

He said: Honourable senators, I am pleased to have the opportunity to rise today to begin second reading on Bill S-17, to amend the Patent Act.

Honourable senators will recall the Speech from the Throne. I set out the government's commitment to ensure that Canadian laws and regulations, including those governing intellectual property such as patents, remain among the most modern and the most progressive in the world.

A patent regime is an important framework instrument for a knowledge-based economy. It promotes innovation by rewarding creativity. It helps to diffuse knowledge and technology. It helps to create jobs and it helps to promote economic growth.

Good patent laws make Canada a very attractive place for companies to invest, especially in research and development. We are a trading nation, with 40 per cent of our gross domestic product coming from exports, and we seek direct foreign investment for our knowledge-intensive industries. Canada's current and future prosperity depends on open world markets, stable trading environment and, above all — and I emphasize this — a means to settle trade disputes based on the rule of law rather than political or economic might. In this system, small and medium-sized open economies like Canada can hold their own against the economic giants of the world.

Canada has international obligations respecting intellectual property. These obligations flow from the agreement on the trade-related aspects of intellectual property rights, or TRIPS, of the World Trade Organization. Meeting international obligations is a necessary and important first step in ensuring that our intellectual property framework remains modern and remains progressive. In October of last year, the WTO ruled that Canada's term of protection for "old act" patents or pre-1989 patents does not conform with the TRIPS agreement. The TRIPS agreement requires WTO members to provide a patent term of 20 years from the date a patent application is filed. "New act" patents, or those patents that have been introduced since 1989, already conform with the patent term of 20 years from the date of filing and are not affected by the WTO ruling.

We must now make the necessary amendments to the Patent Act. Through this bill, section 45 of the act would be amended to provide a term of patent protection in line with the TRIPS agreement.

This bill also repeals obsolete provisions in section 55 of the Patent Act. This bill, honourable senators, demonstrates that Canada takes its intellectual property regime seriously and that we take our international obligations seriously. It brings Canada's Patent Act into compliance with our international obligations through some simple and straightforward amendments.

By passing this bill we will send a signal to the international community that we do take our obligations seriously, and we send a message to Canadians that we take our investment climate seriously. On the other hand, if we did not comply with the ruling, we send the opposite signals. Moreover, we will be in default of our international obligations. The government's priority is to comply with last year's WTO ruling.

Honourable senators, Canada's patents regime serves Canadians well. It strikes a balance between effective patent protection and early and effective competition. It has provided a regime where Canadians have enjoyed access to goods and services at reasonable prices. The patent regime includes institutions such as the Patented Medicine Prices Review Board, which has been effective in helping to ensure Canadian patent drug prices are not excessive. In fact, patented drug prices in Canada are 40 per cent below U.S. prices and 10 per cent below international median prices.

Honourable senators, by implementing the World Trade Organization ruling in a timely fashion, this bill sends an important message that Canada is serious about its intellectual property regime. It sends a message that the government is serious about making Canada a smart country and that we are serious about maintaining a framework that promotes innovation. It also sends a very clear signal that Canada supports and upholds the international trading system built upon rules and dispute resolutions.

These, honourable senators, are all important messages, for both the domestic and the international audiences. I would urge all honourable senators to support this particular bill.

Hon. Jeremiah S. Grafstein: Honourable senators, I have a short question of the honourable senator, and I apologize in advance to Senator Wiebe if I am out of the park.

What impact will extending the patent law have on generic drugs? Will it have the impact that some are complaining about, namely, that the prices for generic drugs will increase as a result of the extension of the patents that we are now proposing?

Senator Wiebe: The quick and short answer to that is, no, this will definitely not result in an increase in prescription drugs.

Let me give you some history, if I may, honourable senators. There are 138,000 old act patents that are affected by this particular amendment. Of those, 53,000 old act patents have terms of less than 20 years. Of those 53,000, there are possibly what could be called 30 valuable patents. Of those 30 valuable patents, the effect of this ruling will mean that there will be a delay in savings on prescription drugs from anywhere from one month to six months, the longest being six months. It will not have any impact or any severe impact in the savings. There will definitely be no price increase as a result of this legislation.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, is the Honourable Senator Wiebe aware that the argumentation he is bringing forward is, for all intents and purposes, word for word, except for updating on the purpose for it, the argumentation given by this side when it was in government for a similar amendment to the Patent Act to abide by a GATT ruling? At that time, it was adamantly opposed by our friends across the way, one of whom who has just spoken. I read his argumentation against it, and I think I might use it, if I were so inclined, just to be obstructionist in opposing the bill.

One of the arguments they used was directly related to what Senator Grafstein suggested, namely, that extending the patent protection would delay the ability of generic companies to copy those drugs and, therefore, increase costs to Canadians. A number of cost estimates were put forward by Senators Grafstein, Kirby, Fairbairn, and others, which were scary at the time.

• (1630)

After 10 years of the extended protection provided by Bill C-91, does the honourable senator have any figures to show whether the estimates made by his colleagues have been borne out?

Senator Wiebe: Honourable senators, I did not anticipate that particular question. I must admit that I did not take a pencil or calculator in hand to prepare a response, nor was I aware that such an intervention took place.

As the honourable senator knows, in 1989 when this legislation was introduced, a very exciting and serious debate took place. That is as it should be. That is the democratic system.

Parliament made a decision back in 1989, and the Patent Act became the law of this country. Canada has gained a tremendous reputation throughout the world as a country that honours the rule of law. When we are debating this particular bill, we are not debating policy; rather, we are debating a Canadian commitment that we would honour all of our obligations. We all know Canada is not a giant military world power, nor are we a giant economic world power. However, this one thing we do know; abiding by the rule of law makes our country an equal with every country in the world. That is the reason for this particular amendment.

Hon. Lowell Murray: Honourable senators, might we assume that the honourable senator is invoking the Brian Tobin doctrine to the effect that Mulroney was right and he was wrong?

Senator Robichaud: The honourable senator does not have to answer all the questions asked of him.

Senator Meighen: We know the answer.

Senator Wiebe: Honourable senators, I imagine that this bill will be referred to the Standing Senate Committee on Banking, Trade and Commerce, of which I am a member. Perhaps the honourable senator would like to pose that question to the minister when he appears before the committee. I would be more than interested in the answer as well.

Senator Lynch-Staunton: I am happy to move the adjournment of the debate. When my turn comes to speak, I will be even happier to refresh the memories of my colleagues across the way about some of the statements they made at the time. I promise that I will not adopt those statements for myself; there will be consistency on this side.

On motion of Senator Lynch-Staunton, debate adjourned.

[Translation]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Committee of Selection (*composition of joint committees*) submitted to the Senate on February 22, 2001.

Hon. Léonce Mercier moved adoption of the report.

Motion agreed to and report adopted.

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—MOTION ADOPTED

Hon. Fernand Robichaud, pursuant to notice of February 21, 2001, moved:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated, commencing on this day.

Motion agreed to.

[English]

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.—(3rd day of resuming debate)

Hon. Lowell Murray: Honourable senators, I intend to make a short and non-controversial intervention in this debate. My purpose is simply to draw to the attention of honourable senators several matters that we have inherited from previous Parliaments and which we have in my opinion an obligation to revisit. My list of three items is by no means exhaustive. Other senators may well add to it.

The first item is the existence of child support guidelines and regulations under the Divorce Act. Second is the status of personal health information under the Personal Information Protection and Electronic Documents Act. The third is a perennial favourite of Senator Graham's, Senator Buchanan's and mine — the status of that federal Crown corporation called the Cape Breton Development Corporation. Let me say just a word of background on those three items.

The child support guidelines, as I pointed out, are regulations under our federal Divorce Act. That being said, I should add that they have been adopted or adapted by most provinces and are used in their family court processes. Those child support guidelines were the subject of some controversy here when we debated Bill C-41, amendments to the Divorce Act, during the winter of 1997. That would have been during the Thirty-fifth Parliament.

The Senate and the committee were so concerned about those proposed guidelines and their possible impact that, as part of the price of getting the legislation through Parliament, the minister of the day and the then Leader of the Government in the Senate agreed that the Standing Senate Committee on Social Affairs, Science and Technology would monitor the impact of those guidelines. That is where I came in.

At the beginning of the Thirty-sixth Parliament, just after the 1997 election, I became Chairman of the Standing Senate Committee on Social Affairs, Science and Technology. We undertook this study in December of 1997 and continued during the winter and spring of 1998. We issued a report in June of 1998, which we described as an interim report. We had held nine meetings and had heard from 16 individuals and organizations. We made 12 recommendations, at least half of which recommended certain changes in the guidelines. However, we had to acknowledge that, at the time of our study, the guidelines had been in effect for just over one year.

It was early days to reach definitive conclusions on the operation of those guidelines, and so we undertook as a committee to return to the subject in 18 months' time. We are about one year overdue to return to that subject. I moved on from being Chairman of the Social Affairs Committee and Senator Kirby has succeeded me. Nevertheless, it is timely that the committee revisit the child support guidelines.

I remind the house that an amendment to the Divorce Act in Bill C-41 imposed upon the Minister of Justice an obligation to undertake a review of the provisions and the operations of the guidelines and the determination of child support under the act and to cause a report on the review to be laid before each House of Parliament within five years after the coming into force of this section.

• (1640)

I believe that would put the date of the tabling of a report at April 2002. My point is that, if we want to have any influence on this process, we should get on with it now. We should revisit the guidelines. I would hope that by the end of this calendar year, at the very latest, the committee would have studied and made a report that the minister can take into consideration when he is preparing his report and recommendations to Parliament.

The second matter I want to raise concerns the status of personal health information under the Personal Information Protection and Electronic Documents Act. Honourable senators will perhaps recall the debate on Bill C-6 in this place, during November and December of 1999. This was a debate on a most important bill, which I have said and continue to believe will be one of the main accomplishments of the past Parliament.

Nevertheless, the application of Part I of the legislation to the health care sector caused a great deal of difficulty. Different perspectives were brought to bear even within the health care sector. The doctors and the dentists, or the organization that represent them, were of the view that the privacy provisions were inadequate and they wanted to, in effect, strengthen them by incorporating their own codes into the legislation. Others in the

health care sector — I believe the hospitals and the pharmacists, et cetera — felt that the privacy provisions were too onerous and would militate against the kind of exchange of information that is necessary for the proper administration of the health care sector. In any case, we discussed it here.

The committee went into great detail on this matter and issued a report, the result of which was that the Senate amended the bill and sent it back to the House of Commons. Our amendment had the effect of delaying the application of the bill to personal health information for one year following the coming into force of Part I. This was to give the government and the health care sector an opportunity to agree on provisions that are appropriate to that sector. If they have not agreed, then the provisions of Part I will kick in, to no one's satisfaction and to everyone's discomfort. Part I became effective on January 1, 2001. Here again, we do not have much time to come up with a new regime to cover the health care sector.

Simply put, I trust that the Social Affairs Committee will take this on at an early date. I am aware that there is considerable work being done at the federal-provincial level, at the professional level, and in the government, to try to come up with an appropriate regime; however, I feel the committee ought to at least call a senior official or two from the Department of Industry, and/or the Department of Health, more particularly, to find out what is happening.

In that connection, today I noticed for the first time on our Order Paper a motion standing in the name of Senator LeBreton, which I presume was placed there at the instance of the chairman, Senator Kirby. The motion asks for authorization for the committee to examine and report on developments with regard to Bill C-6. That will give them the authority they need to get a status report on the personal health care sector.

In relation to the Cape Breton Development Corporation, honourable senators will recall that we passed Bill C-11 last June. At the time, it was clear to everyone that a buyer was at hand, although we did not know the buyer's name. Minister Goodale was quite definitive in his views as to the kind of deal he wanted to make for Devco in terms of employment levels and the long-term commitment to Cape Breton. In July, a letter of intent was signed by Oxbow Carbon and Minerals, a United States company. The deal was to have been consummated in September. Three conditions were posed: one, the consummation of a coal sales contract to Nova Scotia Power; two, the negotiation of a collective agreement with the Devco unions; and, three, agreement on a purchase price. Since then, no one knows what is happening. A curtain of silence has descended over the whole operation. Naturally, there is a good deal of uncertainty and insecurity in the communities and among the people affected by this Crown corporation. What will happen? I believe I am correct in saying that the policy of the government is that, if they cannot sell this Crown corporation, they will close the one remaining mine, the Prince Mine on the north side.

Honourable senators, I took a look at the Estimates for the next fiscal year, which begins April 1. The financial requirements listed under the Department of Natural Resources for the Cape Breton Development Corporation are considerably less than what they were in the fiscal year now ending. It is not clear to me whether those financial requirements assume a year-long operation by the federal Crown corporation of that company, or whether they assume that it will be successfully sold off.

At any rate, honourable senators, I think that the Standing Senate Committee on Energy, the Environment and Natural Resources, which considered Bill C-11, should take it upon themselves to call the minister as a witness. That is all they need do — call one witness — to get an update so we can find out exactly what the status is of this Crown corporation.

Those are the three matters, honourable senators, that I wanted to bring to your attention. Before I sit down, however, I want, in a time-honoured but in no perfunctory way, to congratulate the mover and seconder of the Address in Reply to the Speech from the Throne.

I was pleased to hear Senator Cordy mention the one-hundredth anniversary of the incorporation of the Town of Glace Bay in Cape Breton, even if in so doing she stole some of the thunder from Senator Graham, who grew up in the area. I remember, as a very young boy, the fiftieth anniversary of the Town of Glace Bay, when Senator Graham played such a leading part in the celebrations.

Hon. B. Alasdair Graham: On Senators' Corner.

Senator Murray: I bid hail and farewell to those who have left centre stage, as it were, in terms of Senate responsibilities, and those who have arrived at centre stage. Sadly, my farewell to Senator Molgat, our former Speaker, had to be delivered under the circumstances that we know of earlier today, and the farewell is, alas, a permanent and final one to him.

Honourable senators, I am glad to see that Senator Hays has acceded to the Chair. I am sure he will represent us very well. I have had the pleasure of travelling under his leadership on several occasions in Japan, and I know that he makes an effective leader indeed. One has not seen Senate diplomacy in full flower until one has seen Senator Hays performing in a karaoke setting in Tokyo.

Finally, I welcome Senator Carstairs to her new position. I trust that she will have a longer run at it than her three Liberal predecessors. She is off to a good start by recruiting, or causing to be recruited, Senator Robichaud, a New Brunswicker of eminent good sense. We depend on his sense of equity, fairness

and good humour in dealing with many of the matters that keep the place operating from hour to hour and from day to day.

Naturally, we on this side are pleased that our own leader has been acclaimed once again as the Leader of the Opposition. I thought the two leaders got the debate off to a very good start.

• (1650)

Senator Lynch-Staunton did his constitutional duty by pointing out the various gaps, all the matters not mentioned in the Speech from the Throne. I think Senator Carstairs tried, with some success, to raise our sights above these obvious deficiencies. As a matter of fact, I thought that Senator Carstairs — I mean I respect — made a better speech than the Governor General.

In any event, honourable senators, I look forward to hearing other speeches in the course of this debate.

Hon. Senators: Hear, hear!

Hon. Wilfred P. Moore: Honourable senators, I rise today to take part in the debate on the motion for an Address in Reply to the Speech from the Throne.

I should like to take this opportunity to mention the late Senator Molgat and his exemplary service to the Senate as our Speaker of almost seven years and to thank him most profusely for that service to Canada.

I congratulate Senators Hays, Carstairs and Robichaud on their respective appointments and wish them every success in their new responsibilities.

I congratulate the Leader and Deputy Leader of the Opposition for being confirmed in their posts.

Also, I commend Senators Cordy and Setlakwe for their insightful speeches in moving and seconding this motion.

Honourable senators, the Speech from the Throne promises more of the solid leadership, sound policy and steady hand that have produced three consecutive majorities for Prime Minister Chrétien.

I should like to focus my remarks today on a particular aspect of the Speech from the Throne. A considerable portion of the speech was devoted to "creating opportunity," and the importance of skills and learning in the pursuit of that objective. Permit me to cite the key passage:

Canada will only realize its full potential by investing aggressively in the skills and talents of its people.

Honourable senators, the government has identified a critical objective for the continued development of our economy, the objective being ready access to higher education as a means of cultivating a highly skilled workforce. How is this objective to be realized? The Speech from the Throne reveals the government's view:

Building a skilled workforce must be a national effort. The Government of Canada will work with provinces and territories and with non-governmental organizations to ensure that all Canadians, young and old, can achieve their learning goals. Canada must see at least one million more adults pursue learning opportunities during the next five years.

Honourable senators, I agree wholeheartedly that the Government of Canada and the Parliament of Canada have an important role to play in guaranteeing that all Canadians have access to higher education.

The federal government has been involved in education since Confederation. Indeed, in preparation for these remarks, I came across a publication that outlines the history of the objectives of the Government of Canada in the field of education. It was published in 1983 by the then-Secretary of State of Canada, who is now our colleague in the Senate, the Honourable Senator Joyal. In that publication, the Secretary of State noted:

Federal involvement dates back to the latter part of the 19th century and came about through a series of pragmatic responses to challenges which, by their sheer magnitude or by virtue of their national character, appeared to many Canadians to require action on the part of the Government of Canada.

I believe that the emerging concern about accumulated deferred maintenance costs in Canada's post-secondary institutions meets the "test" set out by Senator Joyal. In other words, the problem is one that, by its sheer magnitude and its national character, requires action on the part of the federal government.

From my own experience as a member of the Board of Governors of Saint Mary's University in Halifax since 1994, I know that the cost of maintaining buildings is becoming almost unbearable. The problem is not new. In December of 1997, the Special Senate Committee on Post-Secondary Education tabled its report in the Senate. That committee, as part of its general assessment of the state of post-secondary facilities at the time, observed that the general climate of budgetary restraint over the previous 15 years had forced institutions of higher learning to make difficult expenditure choices. To quote the report, it states, in part:

Physical facilities have deteriorated as priority has of necessity been given to academic functions and serious maintenance needs have been deferred.

The special committee flagged a very important problem. Unfortunately, it made no recommendation on the subject, as it was only beginning to emerge as a serious problem at that time.

Honourable senators, in the four years since that report, the problem has become glaring in its enormity. I refer to a more recent study, published in January of last year by the Association of Atlantic Universities and the Atlantic Provinces Economic

Council. The study, "Our University Students: The Key to Atlantic Canada's Future," found, among other things, the following:

With limited access to public funds for new building construction, most universities across the region have increasingly relied on repairs or renovations to existing facilities. However, since the start of the 1990s, even these expenditures have become increasingly difficult to manage, leading to a significant level of deferred maintenance. The Atlantic universities now estimate that there is over \$400 million in deferred maintenance required across the four provinces.

Honourable senators, the report deals with the Atlantic provinces, but I am sure many of you can confirm that similar problems exist in other regions.

The 1960s and 1970s brought an infrastructure boom to universities across Canada. Every campus saw new structures, including residences, to help meet the rising demand for post-secondary education. Unfortunately, no measures were taken at the time to secure long-term financing of predictable maintenance costs. When public budgets were trimmed in the 1980s and 1990s, universities and colleges did the best they could, prioritizing expenditures that related to immediate academic requirements and deferring maintenance costs. Two decades of such deferrals have left most of our post-secondary institutions struggling to keep existing facilities open, let alone undertaking construction of badly needed new facilities.

Honourable senators, most recent data available tell of a situation that is spiralling out of control. The recent report prepared for the Canadian Association of University Business Officers provides some grim figures. First, the Canada-wide cost estimate to eliminate accumulated deferred maintenance is \$3.6 billion. This is a conservative estimate and may even understate the situation. Second, of that \$3.6 billion, more than \$1 billion is considered urgent. Third, the cost to eliminate the ADM is over \$5,500 per student. Fourth, data on residences is incomplete and would undoubtedly increase the scope of the problem.

Fifth, the Facility Condition Index (FCI) is a well-known measure of the condition of physical plants. It is defined as the ratio of accumulated deferred maintenance over current replacement value. In most of Canada, the FCI ranges from 9 per cent to 12 per cent. The average is 11.3 per cent, which compares unfavourably to the average of 7 per cent in the United States of America.

And finally, in my own region, the average FCI has reached an alarming level of 17.3 per cent.

These numbers demonstrate the magnitude and the national character of this issue, which trigger the interest — even the duty — of the federal government that I spoke of when I quoted the former Secretary of State a moment ago.

Most recently, the Government of Canada continued its involvement in post-secondary education when it took steps to address the national problem of increased student debt. Increased student debt was seen to be significant in its magnitude and national in its scope, so the Government of Canada took action. The principal means was the Millennium Scholarship Fund that was established in the last Parliament. The last Parliament also implemented better tax relief to students.

Having addressed the problem of student debt, I believe the government should now turn its attention to helping solve the emerging problem of infrastructure maintenance. There can be no doubt that this issue meets the test for federal involvement.

Failing to address the problem in the short term will result in even more sharply increasing tuition rates. Failure in the long term could result in a crisis, forcing federal and provincial governments to spend very heavily to compensate for a total collapse of infrastructure. By investing in the short term, governments will protect themselves from a major fiscal burden at some point in the future.

• (1700)

More important, however, we need to change the culture of university funding in Canada. As it used to be with health care, the construction of new infrastructure was often the only way politicians and administrators could think of to spend available money. Even today, the various public and private foundations that help to finance post-secondary institutions focus mainly on either scholarships or the construction of new buildings. The problem of deferred maintenance is simply not addressed. We must change this culture of deficiency. If we want to ensure that Canadians, no matter where they live, have access to higher education, we must help universities put their houses in order by providing the funding necessary to carry out required maintenance without relying exclusively on the public purse. The burden placed on the public treasury by such a program pales in comparison to the cost of waiting to intervene when the situation has reached a crisis level and infrastructure has begun to disintegrate totally.

Those of us who are involved in the administration of post-secondary institutions were pleased with the commitment expressed in the Speech from the Throne. I will quote the relevant passage:

Canada will only realize its full potential by investing aggressively in the skills and talents of its people.

The speech goes on to state:

Building a skilled work force must be a national effort. The Government of Canada will work with provinces and

territories and with non-governmental organizations to ensure that all Canadians, young and old, can achieve their learning goals. Canada must see at least one million more adults pursue learning opportunities during the next five years.

The Prime Minister highlighted the government's commitment in his speech on the address in reply in the other place where he said:

I want Canada to be seen throughout the world as having the most skilled and the most talented labour market force anywhere. That has to be a national goal. And a national effort.

The Prime Minister cited a number of government achievements in this area, including the millennium scholarship fund. He went on to say:

There is more to do, and this government is prepared to play its full part in this national effort.

Those words gave me great hope, honourable senators, that the government will address the fundamental issue of accumulated deferred maintenance costs, because only by addressing those very basic concerns will it be feasible to make significant progress in creating the most skilled workforce in the world.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition)

The Honourable Senator Moore made some important observations with respect to the funding of higher education in Canada. I thank him for putting those on the record.

The honourable senator's focus was on the tremendous latent burden on the operating costs of our universities across the country. He underscored that very clearly with reference to the capital costs associated with renovating the old infrastructure.

If governments do not come up with an appropriate program to facilitate the necessary response to that problem, universities will be only able to turn to that other source of revenue, namely tuition.

Would the honourable senator share his views on the current high level of indebtedness that Canadian students are incurring? Would he express a view as to whether there is no significant additional revenue for the universities from that source?

Senator Moore: Honourable senators, I thank the honourable senator for his question. Obviously, I am concerned about that. I can speak mostly about my own situation at Saint Mary's University in Halifax. I know what a burden tuition fees are there. They are probably the highest in the province. I do not know that the students can take on much more. However, as mentioned in my remarks, we must also address the matter of the culture of addressing university facilities and the maintenance thereof. Many foundations in the country have resources, but they tend to want to build anew. We must put in place a program that will encourage them to improve existing resources.

Governments must encourage foundations, both public and private, to invest in our universities. What better way to invest your money than in the youth of the country? It must happen. I do not think we can look to the students to bear increased tuition fees. When that report was written two years ago, fees were \$5,500. I do not know what they are today, but the burden is overbearing. We must find another way to address the problem.

The Hon. the Speaker: Honourable senators, I regret to inform you that the time for the speech, questions and comments has expired.

Senator Kinsella: We will agree to an extension.

The Hon. the Speaker: It is up to Senator Moore to ask for leave for additional time if he so desires.

Senator Moore: I do not mind, honourable senators.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Kinsella: My second question to the Honourable Senator Moore relates to the cost of post-secondary education as it is borne by students. I should like to draw the attention of all honourable senators to an international treaty obligation that Canada has undertaken by virtue of its ratification by Canada, with the written consent of every premier across Canada. I am speaking of the International Covenant on Economic, Social and Cultural Rights which states that states parties — of which Canada is one — must undertake to set in place progressive steps to make possible free post-secondary education.

This covenant was ratified by Canada in 1976. It came into force on August 16, 1976. Would you not agree that since that time there has been an increase in the cost to students of post-secondary education rather than a decrease?

Senator Moore: I was not aware of that international agreement, but I expect that the figure has increased since 1976. The purpose of my speech today is to deal with one element of attempting to hold the line. Free post-secondary education is a wonderful goal, but I do not know that we have yet reached that point. I would like to see us get our houses in order first, and then aim for Utopia.

Senator Kinsella: Honourable senators, we have a legal international obligation which we are clearly not meeting. The situation has worsened rather than improved.

Did the honourable senator have a chance, in preparing his remarks, to research the amount of money that Canada invests in post-secondary education in comparison to other countries? If so,

was he not impressed with the significantly large amount of money that Canada has been investing and continues to invest in post-secondary education? Did he not find that we rank very favourably with the other countries in the G7 or G8?

• (1710)

Do you know how much money Canada is putting in globally and what that means in terms of the percentage of gross national product? To the same point, if we are putting in that much money, why is it that the cost to the students has continued to increase in Canada but not in these other countries? Is the problem not that we have insufficient money in the system, but that we are not managing it properly?

Senator Moore: I am not aware of the numbers mentioned by the honourable senator. I did not look at that as I was preparing my remarks.

Hon. Michael A. Meighen: Honourable senators, this is more encouragement for Senator Moore than it is a question. In terms of infrastructure renewal for universities, it seems that there might be two approaches to take. One might be an analogous approach. I do not know the details, but in the United States it is called a tax-exempt municipal bond. Perhaps the honourable senator looked into that approach, or something similar whereby the universities could issue such bonds. The people who put up the money — buy the bonds — would receive favourable tax treatment on the grounds that, obviously, the money would be going directly to the particular need.

Indeed, even without any tax exemption or tax benefit status, the Toronto General and Western Hospital financed its massive, new construction primarily through a bond issue. That was an innovative financing method for new construction at a hospital. Perhaps that is one approach Senator Moore could look into, and I would be happy to participate in any investigation along those lines.

In this country — and this applies to various governments — we seem to be able to come up with road-building infrastructure programs. Perhaps now is the time for a university renewal program shared by the federal and provincial governments, alumni and the business community. If an incentive could be built into such a program — a matching government grant, for example — we might get the private sector, in the form of alumni and the business community, to participate.

There are avenues to be explored, and I encourage the honourable senator to do that. Will he explore those avenues?

Senator Moore: Honourable senators, I have heard about the municipal bond model. I am not fully familiar with it, but hopefully the discussion that will flow from this debate and the inquiry that I have initiated will provide us with ideas to deal with this problem. My honourable friend mentioned programs for roads and infrastructure. He is right; monies are transferred from the federal government to the provinces. We cannot control, as he well knows, exactly where the money goes. Hopefully this debate will point to the issue and will force a priority in respect of where the money should be applied.

Hon. Douglas Roche: Honourable senators, I begin by expressing my sorrow at the death of Senator Molgat, and I express my condolences to the Molgat family.

As a fellow Albertan, I am pleased to see Senator Hays in the Chair. I wish him great fortune in his role. Again, I express my congratulations to the Leader of the Government, the Deputy Leader of the Government, the Leader of the Opposition and the Deputy Leader of the Opposition, and I offer them my cooperation.

Honourable senators, is there alienation today in Canada? Yes. Is it growing? Yes. Is disaffection with government real? Yes. I want to talk about something much larger than the Western alienation issue that we have been hearing so much about lately.

The alienation that concerns me is the exclusion, marginalization and isolation of the growing numbers of poor people in a richer Canada. The working poor, the homeless, and hungry children are looking for human dignity, community and a feeling of truly belonging to this great country. I am very much afraid that governments have forgotten that they have a responsibility first and foremost to protect the common good.

Let me first dismiss the idea that alienation is something particular to Western Canada and that Albertans are suffering some sort of bad deal in Confederation and want to build a "firewall" around the province. Is there a bad deal? These complainers who are making a career of feeling "alienated" should follow me on my journeys through developing countries where 1 billion people live without ready access to water, health and education facilities, and where many are caught up in the ravages of war. Then they would, as I do, kiss the ground of Canada on their return.

Canada is consistently hailed by the United Nations as the best country in terms of human development in the world. The grumbling of the few should stop. The voices of the great majority of Albertans, who speak moderately for a stronger Confederation, must be reinforced.

Honourable senators, a clear majority of recently polled Albertans rejected the provincialism of the "Alberta First" agenda. This majority of 67 per cent of Albertans continues to support national programs such as the Canada Pension Plan and the Canada Health Act.

Far from being downtrodden, Alberta approaches from a position of considerable strength the complexities of equalization that pay for our national programs.

Real GDP growth reached 5.5 per cent in Alberta last year and is expected to grow another 5.7 per cent in 2001-02. That is by far the fastest growth in the country.

Alberta's total tax burden is the lowest in the country. Moreover, Alberta has no sales tax.

The per capita disposable income is \$22,489 — the highest in the country.

Alberta's oil and gas industry is projected to earn \$10.3 billion this year.

The Alberta Treasury is booming with a \$7.3 billion surplus last year.

The Alberta debt will be eliminated in two years — the first province in Canada to become debt-free.

The unemployment rate is 4.8 per cent, the lowest in Canada and Alberta leads Canada in job creation.

The University of Alberta has been rated the fourth best overall university in Canada.

We have nature trails galore, mountains of world renown, and a population density of only 4.6 people per square kilometre which gives us all the space we need and more.

We have a quality of life that is unmatched anywhere in the world — and I have been in every region of the world.

It is a portion of the taxes of the richest provinces such as Alberta that helps to provide minimum national standards for social programs in the poorer provinces. Is that not the way that Canadians want to ensure the strengths of the whole of Canada? I can assure honourable senators that this is the way the great majority of Albertans want it.

The measurement of our society must be more than an accounting exercise. We do not make a great province or a great country by building a "firewall" around ourselves. What is the regressive approach to government?

Honourable senators, we must have a vision for the Canada that we want. I will tell you my vision. I want a country that is human-centred and genuinely democratic; a country that builds and protects peace, equality, justice and development. I want a country where human security, as envisioned in the principles of the United Nations Charter, is the foremost government aim. I want a country where everyone lives in a clean environment with a fair distribution of our resources and where human rights are protected by a body of law.

Do we see such a vision in the recently delivered Throne Speech? I regret that we do not. That brings me back to the real sources of alienation in Canada.

• (1720)

The Speech from the Throne called for a national project "to ensure that no Canadian child suffers the debilitating effects of poverty." That is very edifying. But what is the record? In 1989, all political parties in the House of Commons vowed to eliminate child poverty by the year 2000. Since then, the number of poor children in Canada has increased by 43 per cent. One in five children in Canada still lives in poverty, an increase of 402,000 since 1989.

UNICEF reported that Canada has one of the worst records on child poverty among the world's richest countries. In a ranking of the 23 states of the OECD, Canada positioned seventeenth.

The Edmonton-based Quality of Life Commission's new report, "Listen to the Children," dramatically illustrates, in the words of children themselves, the effects of debilitating poverty. Politicians everywhere should read it.

The Vanier Institute for the Family, named after one of Canada's great Governors General, says the gap between the rich and the poor continues to grow in Canada despite the buoyant Canadian economy of the last half the 1990s. In 1998, five million Canadian families saw their incomes shrink, while 13 million families showed increases. It is for this reason that the Social Affairs Commission of the Catholic Bishops of Canada recently issued a strong statement on economic and social justice in a letter to parliamentarians entitled, "The Common Good or Exclusion: A Choice for Canadians."

The bishops highlighted the challenges facing this new Parliament, reminding us that solidarity comes from the just distribution of resources and opportunities and efforts to create a more just social and political order. This is what governing for the common good should be all about.

Governing for the common good means we must never accept exclusion. True respect for the dignity of all people means that each individual's potential and contribution is needed in order to make our society the best that it can be.

Concern for the well-being of Canadians must not only focus on issues such as fiscal imbalance, federal-provincial transfers, visibility, intergovernmental cooperation and parliamentary reform. We must also develop a community of shared values, shared challenges and equality opportunities, based on a sense of trust, home and reciprocity. Canadian democracy demands that each individual shall have the same capacity for engaging in the decision-making processes that affect his or her life.

It seems to me that these values are indeed eroding, undermined not so much by whether Ottawa or the provinces get the bigger tax grab but by the apathy and loss of dignity that economic exclusion has fostered within the Canadian people.

One of the key findings of the Standing Senate Committee on Social Affairs, Science and Technology in its 1990 Report on Social Cohesion is that the faith of Canadians in their political institutions is declining. No wonder the voter turnout in the recent federal election, at 61 per cent, was the lowest since 1896.

We need desperately to rebuild the confidence of people that governments will play their proper role in building the conditions

for economic and social justice. It is a myth to think that governments are immobilized by the market forces of globalization.

Here, I recall the British government's white paper of December 2000, "Eliminating World Poverty: Making Globalization Work for the Poor." An overarching theme of this document is that, if well managed, the benefits of globalization for the poor can substantially outweigh the costs with the right policies on the part of government.

The British government's white paper makes the case that good social policy goes together with good economic policy — investment in social services and social protection is an essential investment in economic development.

What is primarily needed is political will. It is not inevitable that globalization will work well for the poor — nor that it will work against them. This depends on the policies that governments pursue.

I do not want policies in Canada that promote tax cuts that benefit mostly the rich. I want government surpluses used for social reinvestment to rebuild health, education and social programs, as well as debt relief.

Prime Minister Chrétien recently said the following: "I deeply believe that government has the responsibility to promote social justice." I applaud the Prime Minister's words, but they need to be accompanied by adequate money for social programs. That is where the real investment in our country should be made. The poor have suffered enough in the cutback of social programs, in the name of deficit-cutting. Now they have a rightful claim on the new government surpluses.

On motion of Senator DeWare, for Senator Kinsella, debate adjourned.

TOBACCO YOUTH PROTECTION BILL

SECOND READING

Hon. Colin Kenny moved the second reading of Bill S-15, to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada.—(*Honourable Senator Kenny*).

He said: Honourable senators, I should like to take this occasion to make a few remarks on Bill S-15. I spoke to the chamber on the subject before, some might feel *ad nauseum*, so I will endeavour to be brief.

I have heard it said that we have the best tobacco control program in the world: no adds, no promotions, big colourful warning labels on cigarette packages and a \$20-million program for enforcement and education. In California, they have both advertising and promotion. The tobacco industry is forced to put tiny warning labels on the sides of cigarettes. Our youth smoking rate is 29 per cent; theirs is 6.9 per cent.

Honourable senators, who do you think has the best smoking program in the world? Which program is most effective? Ours, at 30 per cent for youth smoking? Or theirs, at 6.9 per cent for youth smoking?

Honourable senators, I think we are very lucky today. From time to time, we get a chance to change things. We have been given this opportunity to help young Canadians with the problem that faces all of our society. If this chamber can be persuaded, we will have a chance to profoundly affect the lives of our children for years to come. Let me briefly describe the problem.

Back in 1997, when I first began to look at tobacco statistics, 40,000 deaths a year were contributed to tobacco-related diseases. That was the widely accepted estimate. Now Health Canada estimates 45,000 deaths per year is a more accurate figure. In fact that figure may be conservative because Health Canada does not maintain records on the number of deaths related to environmental tobacco smoke.

• (1730)

The trend also appears to be going in the wrong direction regarding the age at which smokers start. In 1997, it was widely accepted that 80 per cent of smokers started before the age of 18 but, on January 18, 1999, the Minister of Health announced that 85 per cent started before the age of 16, and many started as young as 10, 11 and 12.

Each year, 250,000 children become trapped. Since the Senate first addressed this problem, three-quarters of a million young people have become addicted. If we do not address the problem this year, the number will rise to 1 million new smokers since we first started talking about it.

Health Canada currently estimates that tobacco-related diseases have a direct health cost in excess of \$3 billion per year and indirect costs to the economy in excess of \$7 billion. New research is coming out almost every day linking more health problems to the effects of tobacco smoke.

Young people are the most important target group for smoking-prevention activities because that is when people begin to smoke. No one starts smoking at the age of 40. That is when they are looking for the patch or the pill or some other solution. The earlier people start, the longer they smoke, and the harder it is for them to quit.

I would like to address briefly an argument that I hear often. It is the argument called freedom of choice. We have a tobacco industry that uses bogus arguments like "freedom of choice" or "lifestyle." Where is the place of young people in this argument? Freedom of choice might apply if you are 35 or 45, but does it apply if you are 10, 11 or 12? Are we going to say to our kids,

you have the freedom of choice to smoke if you want to or not or do we have an obligation to these kids to do something, to try to educate them, to try to persuade them, to try to ensure that they do not get addicted to this terrible habit which will spoil their quality of life by making them more susceptible to numerous diseases and would inevitably shorten their lives?

The most recent phrase coming from the Tobacco Manufacturers Council is "a risky adult pleasure." Think about it — "a risky adult pleasure." What better way to get young people involved than to describe something as "a risky adult pleasure"? Can you imagine a teenager not finding that pretty alluring?

We have an obligation to our children to educate them and to protect them from the tobacco companies who rely on kids for their very future. Smoking remains the leading cause of preventable death in Canada, more than 10 times higher than the number who die as a result of automobile accidents, including drunk driving which is in second place.

What is missing? Honourable senators, the gap is in funding. Currently, the federal government has allocated \$20 million to fight the tobacco problem. That is 66 cents per capita. Every year, the federal government collects \$2.25 billion, including GST, in tobacco taxes. That means the government is spending \$1 on tobacco control for every \$100 it collects in taxes.

How do we find our way to a solution? In August of 1999, the highly respected Atlanta Center for Disease Control published a model called "Best Practices for Comprehensive Tobacco Control." This paper was based on successful, well-established programs in California, Massachusetts and other states in America. For example, between 1998 and 1999, California's overall cigarette consumption was down 50 per cent.

Recently I had a very interesting conversation with Dr. Dileep Bal who is head of the California program. I called him up looking for some moral support. He said, "Oh, Colin, things are terrible here." When I asked what he meant, he answered, "Well, I have to tell you; our budget has been cut in half." I said that was a terrible thing to happen to the best program in North America. He said, "Yes, that is true, Colin, but you have to understand that, in the last two years, smoking in California has gone from a consumption rate of 120 packages per capita to 60 packages per capita." The budget was cut.

California's current youth smoking rate is 6.9 per cent. Canada's youth smoking rate is 29 per cent. In November of 1992, Massachusetts levied an extra 25 cents on each pack of cigarettes. Since 1993, per capita cigarette consumption has dropped by over 17 per cent. This reduction was the largest single decline in Massachusetts history, and it occurred nearly three times faster than predicted.

For jurisdictions the size of Canada, the Atlanta Center for Disease Control model proposes spending between U.S. \$5 and \$16 per capita. That works out to spending roughly between Can. \$9 and \$24 — versus the 66 cents we are spending now.

The "Best Practices for a Comprehensive Tobacco Control Program" report gives us a template for the spending which includes community programs, school programs, province-wide and national programs, media campaigns, counter-marketing programs, cessation hot lines, evaluation and administration. Under each of these areas, in the template it describes ranges so you can adjust it to your own community and to the special needs of the area in which you live. For example, according to the model, the federal government should be spending \$90 million on media advertising, rather than the \$3 million they are currently spending. Massachusetts is currently spending U.S. \$10 per capita which works out to around Can. \$15. Meanwhile, Vermont decided to spend in the area of U.S. \$15 which works out to Can. \$23. Finally, Ohio is currently spending approximately Can. \$32 per capita on their tobacco control programs.

My point is that there are jurisdictions in North America that are taking this problem seriously. They are putting real money behind it, and they are getting real results. Massachusetts and California have programs that are popular. They work and they pay for themselves, not just in dollars saved. Our committee heard from a witness on Bill S-13 who told us that their payback in California started in year three — so such programs do pay for themselves. They save lives, they reduce suffering, and they are exactly what we need for kids in Canada.

Before I turn to the most important principles of the bill, I must point out that our Department of Finance does not yet understand the meaning of "comprehensive tobacco control program." They do not yet realize that each of the parts must interact and must be of a sufficient magnitude to make it work.

Right now, I hear rumours of a program costing \$70 million per year. That may sound terrific to some. In fact, it will probably be announced as a five-year program costing \$350 million, which is a tripling of the budget. The Atlanta Center for Disease Control model is calling for \$360 million per year at the bottom quartile of the range, not the top of the range.

• (1740)

The most important objective of Bill S-15 is to set a reasonable level of spending. Second, it provides for the development of a Canadian template for funding, along the lines of what the CDC has created. Third, it sets up a foundation that is at arm's-length from the government.

The bill, honourable senators, would establish a levy of three-quarters of a cent per cigarette. That works out to 19 cents a pack or \$1.50 a carton. That would produce in the area of \$360 million annually, or about \$12 per capita.

The bill would establish "a levy for industry purposes" to provide for stable funding. This is the bane of the health community. They do not have stable funding. They have on-again, off-again programs. They cannot plan from year to year, and they cannot function in an effective way without some assurance that their funding will be kept at a stable, predictable level.

The bill also calls for a transparent decision-making process, meaning that decisions will not be made behind closed doors any more. We would have evaluation, which is fundamental to the project. Ten per cent is set aside for evaluation of every project in this bill. Too much of what we have is not evaluated to determine its effectiveness, and this dooms us to continually repeat programs of little or no value.

Finally, honourable senators, the bill has a cap of 5 per cent for administration so that administrative costs do not get out of line.

The trends indicate that the situation is not improving. In fact, it seems to be getting worse. Also, we now have the benefit of the Atlanta Centers for Disease Control model, which shows that parts of our program have to be coordinated, one with another, at the right order of magnitude to be of a sufficient critical mass. If we do not have a critical mass — by that, I am talking about having enough spending — it just will not work.

Let me turn, if I may, to why the foundation should be at arm's-length from government. The first reason is because no one has yet developed precise solutions to address adolescent behaviour. New approaches are being developed, and the exercise is, to a large extent, won by trial and error.

I can go back and talk about Dr. Dileep Bal again. I remember going into his office in Sacramento. He is a big man, and he took me by the shoulder and he said "Colin, come with me. I want to show you my bookshelf." He had a broad set of bookshelves. The top two rows were all studies. He said, "Colin, these are my failures." On the next row were fewer books, and he said those were his successes. "But I could not have had my successes if I had not first had the failures," he added.

The correct setting for a comprehensive tobacco control program is not a political one. It is, rather, a scientific one, one step removed from government. It would be inappropriate for the Minister of Health to have to answer on a daily basis in Question Period to the results of each project. This would be the case if the program were with Health Canada because the legislation requires regular evaluation and full disclosure.

Failures and successes will be readily apparent. The government does not like to associate itself with failures, but the health and scientific communities know that failures are a key part of the learning process.

Second, an arm's-length agency reduces the likelihood of the political interference that has frequently hampered programs in the United States, particularly in California and Massachusetts, and it is important that we do not make the same mistakes here.

Finally, let me turn to where we stand now. We have support from over 520 organizations across the country. The medical community is on side, as are the NGOs and the public. An Environics poll, accurate 19 times out of 20, plus or minus 3 per cent, found that 78 per cent of the public supports the bill. As well, a Pollara poll shows that two thirds of those who did not support the bill changed their minds when they learned about the success that California had with its 6.9 per cent smoking rate. In other words, two thirds of the people said they did not support the bill because they thought there was no solution to youth smoking. Well, there is a solution.

Honourable senators, in addition to the medical community, the NGOs, and the public, there has been a major development since I spoke to you last. Much to our surprise, Imperial Tobacco and JTI-MacDonald Corporation, which represent 80 per cent of the industry, have come on board. They were not consulted on the bill. They did not submit a brief. The committee members who heard them were totally shocked when they came before the committee and said that they were supporting the bill. The committee in its entirety met in my office two hours before the hearing. We were sitting there, planning our questions and how we were going to nail them. We were trading questions back and forth, making sure everyone had a part to play. The last thing any of us thought would happen was that these people would come on board. My jaw dropped when they did, but they did.

Honourable senators, these companies have committed themselves in public — you saw the ads — to \$400 million a year in perpetuity to support this foundation. Undoubtedly, they have their motives, but it is pointless for me to speculate on their strategy. They support the bill as written, and they are putting their money where their mouth is.

This directly addresses the issue raised by the Speaker in the other place when he rejected Bill S-13. More important, it provides real funding in the order of magnitude recommended by the Atlanta Centers for Disease Control to fund community, school, regional and national programs to encourage and persuade young people not to smoke. That is what it is all about.

Honourable senators, three years have gone by since we started this effort. If we do not act now, over 100,000 Canadians will have died and more than 1 million young people will have been addicted by the year's end. No one else has come forward with a solution or even a proposal.

This bill has been vetted by health groups and physicians from coast to coast and promises to bring Canadian children the protection enjoyed in many American states. It is the right thing to do, and now is the right time to do it.

Hon. Eymard G. Corbin: Honourable senators, I should like to ask a question for the purpose of debate only because I believe in my honourable friend's endeavours to get some action on this front.

Last night, I was looking at the latest issue of *Harper's*. I find the *Harper's* index quite interesting. I came upon the two

following statistics. I do not know if they refer to the State of Washington or the capital region, but I believe it is the state. The percentage of Washington children who completed an eight-year anti-smoking program in the 1990s and who now smoke regularly is 25.4; the percentage of children in the program's non-participating control group who now smoke is 25.7. How does the honourable senator react to those statistics?

Senator Kenny: Honourable senators may feel that this question was planted, but it was not. I am familiar with the Washington study. The answer is very simple. Washington went at it for eight years, much as we have done, and they did not have a comprehensive tobacco control program. They simply focused all their efforts on a single program.

• (1750)

When you are dealing with adolescents, a good example to consider is that of buying a car. There is no one in this chamber who, after simply reading an ad, would go out to buy a car. If you were thinking about buying a car, you might read the ad, talk to your friends, read consumer guides, go down to the dealer, kick the tires and take the car for a test drive. You would get lots of input, lots of information, from different sources before you made your decision. Adolescents are the same, honourable senators. The Centers for Disease Control in Atlanta, California, Massachusetts and the other places that have figured out how to get better results have come to the conclusion that you cannot just go at kids from one direction.

The problem to which the honourable senator referred took place in Washington State. The state put all its eggs in one basket by simply having a school program. The kids turned off; they did not buy in. Had Washington State gone about it the way that California did — and I believe Washington State is contiguous with California — then they would have had the television ads, the community programs and the quit lines. They would have had the whole nine yards. There would have been a coordinate effort and they would have spent enough money had they done the way California did. They would not then be stuck with the 24.7 smoking rate after having wasted millions of dollars over eight years.

What I am afraid of happening here in Canada is that if we do not get our act together and if we do not have a comprehensive tobacco control program, one that is coordinated and of the right size, then we will end up looking just like Washington State.

I thank the honourable senator for asking the question.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I do not intend to speak for long because you know that I support this bill. This is the third time we have had this sort of bill before us. I think support for it will be all but unanimous.

Some of you have expressed certain reservations outside this house.

One of these, which I heard recently, is worth further attention. One colleague told me that he did not agree with the purpose of the bill and did not think that a foundation outside government should be given such a large amount of money to do what the government should be doing.

That honourable senator is absolutely right. All the governments that have tackled this problem have done so using measures that were too limited in nature to do the job.

We wish that governments had initiated measures and advanced the significant sums of money needed to achieve the objectives. California and Massachusetts got the necessary funding. We did not.

We therefore have no other choice but to turn to an independent foundation, whose source of funding involves no intervention by any form of government, to ensure the implementation of the objectives in the bill.

Some of you have concerns about the bill. We will have another opportunity to hear several witnesses in committee, who could not be heard in hearings on the last bill. Honourable senators with concerns should not hesitate to share them with us. We do not have all the answers, but after three tries, I can tell you that we have covered a lot of ground and have heard most of the arguments. For those who remember the arguments raised by the speaker of the other place, we are satisfied this time, especially with the unexpected support of the tobacco manufacturers, that the other House will have no choice but to examine this important measure, which you have twice approved. I strongly suggest, for a third time, you support this measure and refer it to committee.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kenny, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

THE LATE HONOURABLE GILDAS L. MOLGAT

TRIBUTE—MESSAGE FROM THE PRINCE OF WALES

The Hon. the Speaker: Honourable senators, before we proceed to the next order of business, I should like to request

leave to read a message to honourable senators from His Royal Highness, the Prince of Wales. Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the message reads as follows:

Saint James's Palace

For the Speaker of the Senate

I was deeply saddened to hear of the sudden death of Gildas Molgat and wanted to extend my deepest sympathy to the Canadian Senate. He set the finest possible example of public service and amongst the wide spectrum of his interests, worked tirelessly for my Regiment, The Royal Winnipeg Rifles, as Honorary Colonel. This comes with my heartfelt condolences.

Charles
Prince of Wales

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved second reading of Bill S-18, to Amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Grafstein*).

He said: Honourable senators, way back in October, 1965, the Right Honourable John Turner, then a youthful backbencher of Parliament, made a rather prescient speech entitled, "Clean Water — A National Priority." In that speech, he said, "No resource is more fundamental to Canada's future than water."

Since that time, Canada's clean water supply, the largest in the world, even then in danger of pollution, has deteriorated further. Now, honourable senators, we witness across Canada a clear and present danger to public health emerging in recent months due to the obvious deteriorating state of our community drinking water systems. Regrettably, the sorry saga of Walkerton, in my home province of Ontario, was only a wake-up call. In recent months, reports estimate 357 out of 645 Ontario drinking water systems failed to meet provincial standards.

In Quebec, at least 90 drinking water systems have received boiled water advisories recently. In Newfoundland, 188, or 25 per cent of all of Newfoundland's water systems, have received boiled water advisories. Some 171 Aboriginal water systems — one out of five — have been found to be polluted by chemicals. Senator Watt has pointed out to some senators the dire health consequences suffered by the Aboriginal population as a result of unsafe drinking waters in the Aboriginal communities across the North. In Saskatchewan, 28 drinking water systems have received boiled water advisories. Late last year, 18 public schools in Manitoba were advised that their drinking water was unsafe.

Honourable senators, does this fearsome catalogue not *prima facie* represent a clear and present danger to public health in every region of Canada? What to do, and what to do quickly?

My bill to amend the Food and Drugs Act is a simple, surgical, cost-effective means for the federal government to assume the exercise of its constitutional powers. Under the Constitution, the regulation of food has a dual aspect, allowing both federal and provincial regulation. For some, this bill will raise the question of the modern scope and ambit of the federal government in our society. When should the federal government act? What role for the federal government was envisioned by the separation of powers and the Constitution?

The Hon. the Speaker: I regret to interrupt the Honourable Senator Grafstein.

Honourable senators, it being six o'clock, I am obliged to leave the Chair, unless there is leave given not to see the clock. Is leave granted?

Hon. Senators: Agreed.

• (1800)

Senator Grafstein: Honourable senators, what was the reach of federal checks and balances? To what extent was residual power in the face of deficient provincial governance encapsulated in the overriding federal power of peace, order and good government? When a clear and present danger to public health across all regions of Canada appears, should the federal government vigorously occupy its space of this dual field when provincial regulations of drinking water systems appear not only to be deficient but dangerous to public health? Apparently, over 700 drinking water systems across Canada, based on recent reports, fail to meet existing health standards. There may be many more.

The bill's remediation is simple in form. The Food and Drugs Act is amended to expand the definition of "food" to include community drinking water systems and the collection and distribution of drinking water to 25 or more inhabitants. No new regulatory regime need be established. A powerful regulatory regime already exists under the Food and Drugs Act.

This bill merely amends the Food and Drugs Act to include water from community water systems for human consumption. This act was chosen as the best vehicle for the amendment, as it is this act that governs federal control over food with the power to establish standards and to inspect, investigate and enforce standards to protect public health.

The amendment permits federal control of water systems, except temporary and extremely small systems. The federal governance is based on the theory of "responsible government." This will allow the federal government to take responsibility for the protection of public health with respect to water in the same way as it does for other foods, including carbonated drinking water and chewing gum.

Clause 1(1) adds "water from a community water system" to the list of things defined as "food." This effectively extends the scope of the act into water quality control and makes applicable to drinking water all the powers and responsibilities of that act that currently relate to food.

Further amendments to the act are proposed to make the quality control, inspection and protection aspects of the bill effective for water systems.

Clause 1(2) widens the definition of "sell" to ensure that the powers in the act cover the possession of water for the purpose of distribution, as drinking water is sometimes provided by arrangements that are not strictly "selling."

Clause 1(3) adds a definition of "article" to certain unpackaged bulk substances such as water and defines "community water system" as one that supplies 25 or more people for more than 30 days a year, to exclude very small and temporary systems, for which federal regulation might be an unreasonable burden.

Clause 2 extends the section 7 "sanitary conditions" requirement of the act to cover collection, as water is unique in the food and drink category as it is not produced or manufactured, but "collected" from natural sources using both natural and man-made channels.

Clause 3 amends the section 23 powers of inspection to cover the power to enter places from where drinking water is collected. This would include anywhere in the watershed. In addition, the inspection zone is further widened to allow inspection of places from which contaminants might escape into and contaminate food, but most importantly, drinking water.

This amendment would ensure that inspectors could go to places such as agricultural or industrial operations from which contaminants might reach the water either in the distribution system or in the area from which it is collected. The clause widens the regulation-making powers to cover the means of collection, which are particularly important in the case of drinking water.

Honourable senators, the federal government already issues safe drinking water standards. These federal standards are guidelines only. There is no mandatory federal inspection or testing of provincial drinking water systems. There are no federal, punitive consequences for failing to maintain clear drinking water.

It is my hope that the Senate will speedily approve this bill on second reading. The bill could then be quickly referred to a committee of the Senate to carefully investigate the defects and deficiencies, the failure of the provinces, territories and public health regimes in regulation, and the role of federal governance to renovate this appalling state of affairs that appears, on its face, to be so dangerous to public health and safety.

Think about this, honourable senators: The health of thousands of Canadians might be at risk. Think of the direct economic consequences of the increased cost to a health system already overloaded by burgeoning costs. Think about the consequences of an unhealthy population to our economic competitiveness.

By way of comparative exegesis, the responsibility for safe drinking water in the United States ultimately lies with the administrator of the Environmental Protection Agency, the federal agency established primarily under the Safe Drinking Water Act of 1974 by the U.S. Congress.

Honourable senators, my mother is always right: An ounce of prevention is worth a pound of cure. A speedy passage of this measure could restore confidence in public health, a paramount responsibility of all governments.

Hon. Senators: Hear, hear!

Hon. Nicholas W. Taylor: Honourable senators, would the honourable senator permit a question for clarification purposes?

As honourable senators know, I come from the West where a great deal of our water is ingested by animals, which water comes out of different wells, dugouts and so on. When Senator Grafstein refers to, "drinking water," is he referring to human, potable water consumed by humans, and not animals?

Senator Grafstein: Yes. Water as defined as food under the Food and Drugs Act.

On motion of Senator Kinsella, debate adjourned.

[Translation]

REVIEW OF THE ANTI-DRUG POLICY

MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE— DEBATE CONTINUED

On the Order:

That a Special Committee of the Senate be appointed for a period of three years to thoroughly examine Canada's anti-drug legislation and policies, to carry out a broad consultation of the Canadian public, and finally, to make recommendations for a national strategy on illegal drugs developed by and for Canadians;

That the Committee, in pursuing this mandate, give particular importance to issues relating to cannabis and prepare an interim report on cannabis;

That, without being limited in its mandate by the following, the Committee be authorized to:

- review the federal government's policy on illegal drugs in Canada, its effectiveness, and the ways in which it is implemented and enforced;

- study public policy approaches adopted by other countries and determine if there are applications to Canada's needs;

- examine Canada's international role and obligations under United Nations conventions on narcotics and the Universal Declaration of Human Rights and other related treaties in order to determine whether these treaties authorize it to take action other than laying criminal charges and imposing sentences (at the international level);

- examine the social and health effects of illegal drugs and explore the potential consequences and impacts of alternative policies;

- examine any other issue respecting Canada's anti-drug policy that the Committee considers appropriate to the completion of its mandate.

That the Special Committee be composed of five Senators and that three members constitute a quorum;

That the honourable senators Kenny, Molgat, Nolin, Rossiter and (a fifth Senator to be named by the chief government whip) be named to the Committee;

That the Committee have the power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers, briefs and evidence from day-to-day as may be ordered by the Committee;

That the briefs received and testimony heard during consideration of Bill C-8, an Act respecting the control of certain drugs, their precursor and other substances, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the Committee;

That the papers and evidence received and taken on the subject and the work accomplished by the Special Committee on Illegal Drugs during the Second Session of the Thirty-Sixth Parliament be referred to the Committee;

That the Committee have the power to authorize television, radio and electronic broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee be granted leave to sit when the Senate has been adjourned pursuant to subsection 95(2) of the *Rules of the Senate*; and

That the Committee submit its final report not later than three years from the date of its being constituted.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the motion has been adjourned in my name. I yield the floor to Senator Kenny who would like to speak to this motion.

[English]

MOTION IN AMENDMENT

Hon. Colin Kenny: Honourable senators, I move:

That the motion be amended by deleting all of the words following the word "That," and replacing them with the following:

... a special committee of the Senate be struck to examine:

- The approach taken by Canada to cannabis, its preparations, derivatives and similar synthetic preparations, in context;
- The effectiveness of this approach, the means used to implement it and the monitoring of its application;
- The related official policies adopted by other countries;
- Canada's international role and obligations under United Nations agreements and conventions on narcotics, in connection with cannabis, the Universal Declaration of Human Rights and other related treaties; and
- The social and health impacts of cannabis and the possible consequences of different policies;

That the special committee consist of five senators, three of whom shall constitute a quorum;

That the Honourable Senators Banks, Kenny, Nolin, Rossiter and (a fifth Senator to be named by the Chief Government Whip) be named to the committee;

That the committee be authorized to send for persons, papers and records, to hear witnesses, to report from time to time, and to print from day to day such papers and evidence as may be ordered by it;

That the briefs and evidence heard during consideration of Bill C-8, an Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-sixth Parliament be referred to the committee;

That the documents and evidence compiled on this matter and the work accomplished by the Special Senate

Committee on Illegal Drugs during the Second Session of the Thirty-sixth Parliament be referred to the committee;

That the committee be empowered to authorize, deemed appropriate, the broadcasting on radio and/or television and the coverage via electronic media of all or part of its proceedings and the information it holds;

That the committee present its final report no later than August 31, 2002; and that the committee retain the power necessary to publicize its findings for distribution of the study contained in its final report for 30 days after the tabling of that report;

That the committee be authorized, notwithstanding customary practice, to table its report to the Clerk of the Senate if the Senate is not sitting, and that a report so tabled be deemed to have been tabled in the Senate.

• (1810)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Nicholas W. Taylor: Honourable senators, I do not think the motion should be presented until the printed amendment has been circulated in the Senate at least one day in advance. Perhaps it has come around. It seems to have been circulated today, which does not give one time to review the amendment. I would prefer that it be tabled for a day.

The committee has until 2002 to report. I believe it would be in order to table the motion until the next sitting so that I have a chance to review the amendment. I would be the first to back off if the amendment was put on my desk a day or so ago and I missed it, but if it was only put on my desk a few minutes ago then it is not a proper way of doing business.

On motion of Senator Taylor, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Peter A. Stollery, pursuant to notice of February 28, 2001, moved:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel as technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Peter A. Stollery, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE AND TO APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Peter A. Stollery, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on emerging political, social, economic and security developments in Russia and Ukraine; Canada's policy and interests in the region; and other related matters;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Foreign Affairs during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than June 28, 2002, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until July 31, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

Hon. John. G. Bryden: Honourable senators, it so happens that Senator Stollery's motions are the first amongst a smorgasbord of these types of motions on which notice was given the other day. Therefore, the questions that I will ask will relate to many of the others as well as to this one.

The first motion, which has already been passed, sets out that experts, counsel, technical and clerical personnel may be used for the purpose of doing certain things; that is, examining the subject

matter of bills and the Estimates that are referred to the committee.

Motion No. 6, to which we are now referring, indicates that the Standing Senate Committee on Foreign Affairs is authorized to examine and report on the emerging political, social, economic and security developments in Russia and Ukraine; Canada's policy and interest in the region; and other related matters. It is all in good form.

Honourable senators, does the authorization given in Motion No. 4, which asks that the Standing Senate Committee on Foreign Affairs be allowed to engage counsel, technical, clerical and other personnel not on the staff of the Senate, also permit that standing committee to do the same thing in relation to its special study on Russia and Ukraine?

Senator Stollery: Honourable senators, I do not think there is anything unusual. Motion No. 6 is the same motion that we passed in the last session of the last Parliament. As Senator Bryden is aware, the Foreign Affairs Committee submitted a report on NATO, peacekeeping and a whole range of things in the last Parliament. This study comes out of that. It is the same motion.

In terms of the relationship between Motion No. 4 and Motion No. 6, I had not really thought about that. I believe the connection between the two motions is actually quite straightforward. We started our study. We have already had meetings on the Russia project. I am not clear myself. These are standard motions for all committees. Motion No. 4 allows us to conduct the normal business of the committee, and Motion No. 6 allows the committee to conduct its study on Russia and Ukraine.

• (1820)

I guess I am wondering whether witnesses for our study on Russia are separate from witnesses in our normal course of business. I think it is a moot point.

Senator Bryden: Perhaps I can shorten this if I am allowed some latitude.

The rules are very clear that a standing committee of the Senate does exactly what the honourable senator says in his motion; that is, the Senate adopts a motion. It is a very restricted motion. The committee is allowed to engage such counsel, technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and the estimates that are referred to the committee.

I will summarize the procedure that is followed under the rules to finance the committee. The committee prepares a budget; the budget goes to Internal Economy; Internal Economy looks at the budget for the request for the standing committee to do these things; then the Internal Economy Committee includes that budget in its report to this house. That is how it works for the normal functioning of a standing committee.

However, the procedure is different if a standing committee is going to enter into a special study, which is what that one, or some of these three that the honourable senator has here, would be classified as. I assume what is in here was prepared by clerks, or clerks' assistants, as they are all so much the same. When there is a special study, the system is such that there is no reference to the need for experts or counsel or incurring any special expenses. What has been done with respect to Motion No. 6 is correct, with a little bit of extra from before, but the motion indicates what it is that is being studied and when the committee shall report. Then, if any expenses are to be incurred, whether it is a standing committee doing a special study or a special committee, the committee makes up a budget. The chair of the committee presents it to Internal Economy. Internal Economy reviews it and sends it back to the committee. The chair of the committee, not the chair of Internal Economy, then presents that position to this house and defends that budget.

I raise that because there has been some concern in the past that what happens is that a lot of stuff goes in to Internal Economy, it gets approved and comes in, and there is a list. Internal Economy presents its report, which gets approved, and no one sees what is in the report until it actually comes out.

What I am saying, honourable senators, does not relate to what Senator Stollery is doing, as I could have done the same thing with any of the other ones. There are two distinct procedures. It is my concern that we not confuse the right set out in the *Rules of the Senate of Canada* to engage technical experts, and pay for them outside and have it all done by Internal Economy, with a standing committee that does a special study on, as you say in another place here, "Foreign and Commonwealth relations generally."

There are three different motions here. The procedure, in order to deal with that, has to be presented to this chamber by the honourable senator as chairman at the time that there is a budget to be approved and defended. It goes through Internal Economy but it comes back for the honourable senator, or any other chair, to defend in here, if it is a special committee. That is the point.

I raise it here because I did not want honourable senators to assume that the approval of the honourable senator's Motion No. 4 also approves the hiring of experts to do what he is suggesting in Motion No. 6.

Senator Stollery: First, honourable senators, it is not a special committee. It is the Standing Senate Committee on Foreign Affairs. As I say, I presented the motion. It is the same motion approved by this chamber in the last session of the last Parliament.

I know perfectly well that we have a new Parliament. Our committee is not contemplating spending any unusual sums of money in order to conduct its business. Having been a member of the Internal Economy Committee for something like 18 years, I am quite familiar with how it operates. If anything unusual were

being contemplated, we would have to go to the Internal Economy Committee, of course. We have to go to the Internal Economy Committee to have the committee budget approved and it is.

I am presenting my motions, and the other chairmen are doing the same, in order to get the business of our Senate committee underway so that they can sit. However, it is certainly contemplated by me to go to the Internal Economy Committee and the budget subcommittee to have budgets approved. At the moment, for example, we have a project started. President Putin when he came to Canada in December, met with some members of the committee. I am here representing the members of the committee. We would like to be able to undertake our work and have a meeting. We have witnesses. There is no exceptional or unusual amount of money involved.

Of course, I will go to the Internal Economy Committee when it meets, but I suspect the earliest it would meet would be the Thursday after we come back, the week after next. Our committee would like to meet on Tuesday and Wednesday and start to work.

That is the reason I am presenting the motion. I do not want to take up the time of honourable senators. Motion No. 8, for example, is a general motion that does not contemplate anything. It is there so that the Foreign Affairs Committee can deal with anything that comes up. I am not contemplating a single meeting on Motion No. 8, but it is there so that we can deal with any emergencies.

My motions are, I believe, fairly straightforward. Their purpose is to allow our committee to begin to hold meetings. However, I will be going in the normal course of events to the Internal Economy Committee to get the budget approved.

Hon. Eymard G. Corbin: I should like to rise on a point of order. I think it could simplify matters. I should like to refer honourable senators to the *Rules of the Senate of Canada*, Appendix II, which begins on page 129. In particular, I should like to draw honourable senators' attention to paragraph 2:02 of that appendix, page 131, which reads as follows:

A notice of motion to establish a special committee or to authorize a committee to conduct a special study shall not refer to special expenses but shall set a date by which the committee is to report to the Senate.

• (1830)

The paragraphs that follow, namely, 2:03, 2:04, 2:05, 2:06 and 2:07, outline the procedure to be followed by a committee to obtain funds to hire personnel and what have you. The rules are quite clear. I do not see the purpose of the debate that is going on at this time because the appendix makes the procedure completely clear. In fact, committees are bound to follow these directives. I do not think there is a problem.

Senator Bryden: Honourable senators, I agree absolutely with what Senator Corbin has just said.

The Hon. the Speaker: This is a comment on the Honourable Senator Stollery's speech.

Senator Bryden: What is contained in the motions, as far as they go, is correct. They follow the rules. However, in my experience, a standing committee functioning under the restricted position of dealing with bills —

The Hon. the Speaker: Honourable senators, I must point out that time for debate — and I assume that senators are speaking to the motion — has expired. Accordingly, it is necessary to ask for leave to continue debate. Is leave granted?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I am sorry, but the time for debate is over in that there is no unanimous leave to continue. Is the house ready for the question?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my understanding of the pith and substance of Motion No. 6 by Senator Stollery is to receive an order of reference from the Senate to study a subject matter that, in the opinion of the honourable members of Foreign Affairs Committee, is a priority. It is important to assess whether the Senate is in agreement with the proposition that the Foreign Affairs Committee study emerging political, social, economic and security developments in Russia and Ukraine, as well as Canada's policy and interests in the region and other related matters. I interpret "other related matters" to mean matters that relate to our foreign policy development in that theatre.

I have no objection to the Foreign Affairs Committee receiving this order of reference from the Senate, but I am resting my evaluation to a large extent on the fact that we have received his recommendation in the form of a motion from our committee. This is their priority. The other committees were saying that the principle is the same.

The second paragraph of the motion is a common practice, namely, that a committee be authorized to make papers and evidence that it had received in a previous Parliament part of the record in this Parliament. That is a tradition and is common sense. It is a practical thing to do. I have no difficulty with the second paragraph of the motion. They have determined the time line that, in the committee's view, would be reasonable for their final report. However, that does not obviate interim reports coming forward from the committee. Again, that has been our practice and custom with committees for a long period of time.

The final paragraph — namely, that the committee be permitted to deposit the report with the clerk — again is a

common practice. In the motion before us, I find nothing offensive in all four paragraphs. I find the motion very ordinary and I support it.

Concerning the issue of whether a study that will be undertaken by a committee will incur special expenses, the committee, as Senator Corbin has alluded to, will make that submission to the Internal Economy Committee at the appropriate time. The Internal Economy Committee will then make a determination by way of a recommendation to the Senate. We shall decide. I find nothing unusual at all and am prepared to support the motion.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to ask a question, but I do not know if it is in order. I have nothing against studies by committees because I have urged them on occasion and have supported them. However, once the order of reference is agreed to by the Senate, is the Internal Economy Committee bound to make sure that the funds necessary are there to meet the terms of that reference? In turn, because the Senate approved the terms of reference in the first place, is it bound to approve the budget automatically? If so, I think we are doing things upside down.

The Hon. the Speaker: Honourable Senator Lynch-Staunton, the only person to whom you could put a question right now would be to the Honourable Senator Kinsella, who has spoken to Motion No. 6.

Senator Kinsella: Honourable senators, having received the order of reference, the steps are clear. The order of reference speaks to what the Senate is saying that the committee can undertake. As far as resources are concerned, that is a separate and distinct action. In order to obtain extra resources, the committee must make a submission to the Internal Economy Committee. The Internal Economy Committee must then submit a report to the Senate, which the Senate will either approve or not approve.

The adoption by the Senate of this order of reference that the Foreign Affairs Committee can study foreign policy as it relates to the Ukraine-Russian theatre is simply an authority to study our foreign policy in that theatre. It is not an authorization to spend a certain number of dollars. That is a second and distinct step that would have to follow the course I have indicated: a recommendation by the committee to the Internal Economy Committee and a recommendation from the Internal Economy Committee to the Senate.

Senator Bryden: Honourable senators, I will try to be as specific as I can. What is occurring here is absolutely correct as far as it goes. However, there is an error, and I believe the honourable senator is reflecting that error.

If, indeed, we follow the rules and the standing committee is acting within its limited jurisdiction under the rubric of studying bills, estimates and the subject matter of bills, it is the case that a recommendation first goes to the Internal Economy Committee. The Internal Economy Committee approves the recommendation and then presents it to the Senate for approval. If, on the other hand, a standing committee wishes to conduct a special study, the procedure is different. In the *Rules of the Senate*, there is a section entitled "Committee Budgets for Work relating to Special Studies by Standing or Special Committees." Would the honourable senator agree that the procedure is different? The committee prepares its budget for that special study and presents it to the Internal Economy Committee. The Internal Economy Committee then reports back to the committee, and the committee chair presents the committee's position to this house and defends it — not the chair of Internal Economy but the committee chair. It is that budget that this house approves.

Would my honourable friend agree that there are two separate procedures? I think it is not by accident that they are separate.

Senator Kinsella: I agree with that interpretation.

• (1840)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It is moved by the Honourable Senator Stollery, seconded by the Honourable Senator Taylor, that the Standing Senate Committee on Foreign Affairs be authorized to examine and report on emerging political, social, economic and security developments in Russia and Ukraine; Canada's policy and interests in the region; and other related matters —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Shall I dispense?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY THE EUROPEAN UNION

Hon. Peter A. Stollery, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the consequences for Canada of the evolving European Union and on other related political, economic and security matters; and

That the Committee report to the Senate no later than March 31, 2003.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Leader of the Government Opposition): Honourable senators, I want to ask Senator Stollery some questions. I see a clear distinction between Motion Nos. 6, 7 and 8. Motion No. 6 was a study, as I understand it, that was approved in the last session, so in fact Internal Economy has given its approval for this study. I realize that was done in another session, but in fact Internal Economy has dealt with that. Is that correct?

Senator Stollery: Yes, that is correct. Senator Kroft, in the last Parliament, dealt with Motion No. 6 and, in anticipation, I would say the same is true of Motion No. 7.

Senator Carstairs: That is all I needed to know.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY
ISSUES RELATED TO FOREIGN RELATIONS

Hon. Peter A. Stollery, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Foreign Affairs be authorized, in accordance with Rule 86(1)(h), to examine and report on such issues as may arise from time to time relating to Foreign and Commonwealth relations generally; and

That the Committee report to the Senate no later than March 31, 2003.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Senator Stollery: Honourable senators, before you respond to Motion No. 8, I would ask leave to modify the motion as presented. I have spoken with Senator Kinsella and with the leadership on our side. This motion does not contemplate anything new; it is just a standard procedure of the Foreign Affairs Committee.

I would ask leave to modify the motion by removing the words "and Commonwealth." It would then refer only to "foreign relations" for reasons well known to Senator Gauthier, who is here. I feel we should not approve the motion in its current form. Is that change agreeable to senators? It really has no effect on the committee.

The Hon. the Speaker: Honourable senators, in accordance with our rules, a senator cannot modify his or her own motion unless leave is granted.

Is leave granted, honourable senators, to make that modification?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted. Please restate your amendment, Senator Stollery.

Senator Stollery: My amendment is that we delete the words, "and Commonwealth" and that the motion shall read:

...Foreign relations generally...

Hon. Tommy Banks: May I ask a question of Senator Stollery: Why?

Senator Stollery: Honourable senators, this amendment is proposed at the suggestion of Senator Gauthier, and I would invite you to discuss the matter with him further at another time. This wording would be Senator Gauthier's preference. It is that simple. There is no mystery.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): May I ask a question of the honourable senator? The motion as modified would be redundant to the mandate of the committee as defined by the rule that defines the mandate of the Standing Senate Committee on Foreign Affairs. If there is a difference, perhaps Senator Stollery could explain.

Senator Stollery: Honourable senators, there is something in what Senator Kinsella says. I am being straight up with Senator Kinsella. This motion is a sort of covering motion in case something unusual comes forward. It is not a motion based on a great deal of contemplation. I remind everyone that we are discussing the Standing Senate Committee on Foreign Affairs and that "foreign affairs" is what we study. It was thought that the motion would cover any gaps and save us sitting around on some other late night having this discussion.

Senator Kinsella: Honourable senators, just for clarity, rule 86 on page 96 of the *Rules of the Senate* states:

(h) The Senate Committee on Foreign Affairs, composed of...members...to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and commonwealth relations generally, including...

Then the list of topics follows. I take it that there might have been a relationship between the wording of the motion as originally presented and this section of the rules. Why is this motion not redundant? I do not quite understand.

Senator Stollery: Honourable senators, to some extent these motions are inherited from the traditions of the committee. This

is one such motion. The discussion with Senator Gauthier was that he would like to add after "Commonwealth" the words "and la francophonie" and I have no difficulty with that. This motion, as I understand it, is a motion which goes back in time. It is a standard motion of the committee. I agree that there is an element of redundancy, but my many years in Parliament have taught me that, when people do things, they usually have a reason.

That is about all I can say about the motion. If the Senate does not want to agree to this motion, it does not appear to me to make a great deal of difference. This is a traditional motion of the committee and, at some point, someone must have thought that through.

The Hon. the Speaker: I point out, honourable senators, that, pursuant to rule 30, leave was granted to Senator Stollery to modify his motion to delete the words "and Commonwealth."

Is it your pleasure, honourable senators, to adopt the motion, as modified?

Hon. Senators: Agreed.

Motion, as modified, agreed to.

• (1850)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Marjory LeBreton, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Marjory LeBreton, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY STATE OF HEALTH CARE
SYSTEM AND TO APPLY PAPERS AND EVIDENCE
OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Marjory LeBreton, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the state of the health care system in Canada. In particular, the Committee shall be authorized to examine:

- (a) The fundamental principles on which Canada's publicly funded health care system is based;
- (b) The historical development of Canada's health care system;
- (c) Health care systems in foreign jurisdictions;
- (d) The pressures on and constraints of Canada's health care system; and
- (e) The role of the federal government in Canada's health care system;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than June 30, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have a question of clarification for the Honourable Senator LeBreton.

Motion No. 13 pertains to a study which was approved in the last session of Parliament. In fact, the subject of it has been before Internal Economy in the past. Can we assume that it will come back to Internal Economy this year?

Senator LeBreton: That is absolutely correct. As the honourable senator knows, we had only completed one phase of the study. This is for the completion of that study.

Hon. John G. Bryden: Honourable senators, I have a question for Senator LeBreton. Does this motion refer to a special study done by a standing committee?

Senator LeBreton: Yes, it is the health care study that was started in the last session of Parliament. Originally, it was to be a five-part study. It is now a four-part study, since we will be combining two sections. We completed the first phase and reported to the Senate.

Senator Bryden: In incurring any expenditures, your committee would follow the rules pertaining to special studies that are outlined in our rules, as I understand it; is that correct?

Senator LeBreton: That is correct, Senator Bryden.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY DEVELOPMENTS
IN THE FIELD OF PERSONAL INFORMATION PROTECTION
AND ELECTRONIC DOCUMENTS

Hon. Marjory LeBreton, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the developments since Royal Assent was given during the Second Session of the Thirty-sixth Parliament, Bill C-6, an Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate, record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act; and

That the Committee table its final report no later than June 30, 2001.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I think we all wonder whether this motion refers to a new study that has not already gone through the Internal Economy Committee, whether the idea is to create a subcommittee or to travel across the country abroad. We would like to get some information.

(English)

Senator LeBreton: Honourable senators will recall that when Bill C-6 was studied in the last session of Parliament, one part of it had to do specifically with health care. As a committee, we undertook to assess the impact of this bill. Honourable senators will recall that, originally, it was an e-commerce bill. The whole impact on health care and privacy then came into it. Thus, it was a part that we set aside with Minister Manley's approval. We made a commitment to update it, which is what this motion is in aid of.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Wilfred P. Moore: Honourable senators, I ask leave to revert to Motions Nos. 9 and 10 standing in the name of Senator Bacon.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, normally, the chair or deputy chair of a committee moves these motions because, as has been the case his evening, we might have questions. I will not withhold leave on this request because I have looked at the content of these two motions and they are straightforward administrative issues. As a result, we would have no questions on them. However, there are some subsequent motions on the Order Paper which might be more problematic. Yes, we grant leave.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Wilfred P. Moore, for Senator Bacon, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Transport and Communications be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Wilfred P. Moore, for Senator Bacon, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Jack Wiebe, for Senator Gustafson, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it; and

That the Committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, that motion is exactly along the same lines as the questions asked earlier as to whether the Senate was going to issue an order of referral so that the committee can go to the Internal Economy, Budgets and Administration Committee to get money.

In the second paragraph, it clearly says:

That the committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.

This requires a budget that should be examined by the Internal Economy Committee, and then go back to the Senate and specify which resources this committee should ask and get to do its work properly.

The motion could be adjourned in my name. We could strike or amend the final paragraph. When the committee is ready to seek an order of reference, it will have the information required to do the study it is requesting in the second paragraph.

[English]

The Hon. the Speaker: I am not sure if it is a matter of order or not. This has come from a committee as opposed to from an individual senator. I shall allow Senator Wiebe speak to whether he is comfortable speaking for the committee in terms of accepting amendments.

Senator Wiebe: Honourable senators, I hesitate to speak or act in favour of accepting an amendment on behalf of the committee because I was not the original mover of this particular motion. It was moved by Senator Gustafson, and Senator Gustafson is not here. I feel that it would be more appropriate to make that request when the individual who moved the motion is present.

On motion of Senator Robichaud, debate adjourned.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Jack Wiebe, for Senator Gustafson, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Agriculture and Forestry be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Nicholas W. Taylor, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Nicholas W. Taylor, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and

other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matter of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY MATTERS RELATED TO MANDATE AND TO RESUME STUDY ON NUCLEAR REACTOR SAFETY AND APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Nicholas W. Taylor, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine such issues as may arise from time to time relating to energy, the environment and natural resources, including the continuation and completion of the study on Nuclear Reactor Safety;

That the papers and evidence received and taken on the subject of Nuclear Reactor Safety during the Second Session of the Thirty-sixth Parliament be referred to the Committee; and

That the Committee report to the Senate no later than December 15, 2002.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, could Senator Taylor give us a bit of information about the study in question. Has it already begun, will it simply continue, will it entail extraordinary expenditures and will it involve travel?

[English]

Senator Taylor: Honourable senators, there are three questions. The nuclear reactor safety matter has been going on for some time, so there will be a little left there. The energy on will involve travelling. The study has started, but there will be expenses involved with travelling. Of course we felt that we had to get the approval of the Internal Economy Committee for the travel before that could take place or we would have to tailor our ambitions in travelling to the amount of budget that Internal Economy had available.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

CANADIAN HUMAN RIGHTS COMMISSION

[Translation]

MOTION TO HEAR CHIEF COMMISSIONER
IN COMMITTEE OF THE WHOLE ADOPTED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition),
pursuant to notice of February 22, 2001, moved:

That the Senate do resolve itself into a Committee of the Whole, at a time convenient to the Government and the Chief Commissioner of the Canadian Human Rights Commission in order to receive the Chief Commissioner, Ms Michelle Falardeau-Ramsay, for the purpose of discussing the work of that Office; and

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Notice of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, March 12, 2001, at 8 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, March 12, 2001, at 8 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE DANIEL P. HAYS

THE LEADER OF THE GOVERNMENT

THE HONOURABLE SHARON CARSTAIRS, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STAUTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

GARY O'BRIEN

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(March 1, 2001)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Brian Tobin	Minister of Industry
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Foreign Affairs
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vancilief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Ronald J. Duhamel	Minister of Veterans Affairs and Secretary of State (Western Economic Diversification) (Francophonie)
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)
The Hon. Rey Pagtakhan	Secretary of State (Asia-Pacific)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(March 1 2001)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	Moncton	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Thérèse Lavoie-Roux	Quebec	Montreal, Que.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Winnipeg, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Renée Claude Nolin	Quebec	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Harry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Joseph Bacon	De la Durantaye	Laval, Que.
Baron Carstairs	Manitoba	Victoria Beach, Man.
Andon Pearson	Ontario	Ottawa, Ont.
Alan-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Éline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Orna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Dirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Émile Mercier	Mille Isles	Saint-Élie d'Orford, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
André Pépin	Shawinigan	Montreal, Que.
Bernard Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Arisa Ferretti Barth	Repentigny	Pierrefonds, Que.
George Joyal, P.C.	Kennebec	Montreal, Que.
Helma J. Chalifoux	Alberta	Morinville, Alta.
Alan Cook	Newfoundland	St. John's, Nfld.
Joseph Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Alan Thorne Fraser	De Lorimier	Montreal, Que.
Thérèse Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Christine Poy	Toronto	Toronto, Ont.
Debra Finestone, P.C.	Montarville	Montreal, Que.
John Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Jack G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Robert Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Marie Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(March 1, 2001)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane Marie	Nova Scotia	Dartmouth, N.S.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
DeWare, Mabel Margaret	Moncton	Moncton, N.B.	PC
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finestone, Sheila, P.C.	Montarville	Montreal, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Johnson, Janis G.	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib

SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Collier, E. Leo	Victoria	Westmount, Que.	Lib
Croft, Richard H.	Manitoba	Winnipeg, Man.	Lib
Davoie-Roux, Thérèse	Quebec	Montreal, Que.	PC
Dawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
DeBreton, Marjory	Ontario	Manotick, Ont.	PC
Dosier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Dynch-Staunton, John	Grandville	Georgeville, Que.	PC
Laheue, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Lahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Leighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Lercier, Léonce	Mille Isles	Saint-Élie d'Orford, Que.	Lib
Lilne, Lorna	Peel County	Brampton, Ont.	Lib
Loore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Lurray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Malin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Milner, Donald H.	Nova Scotia	Halifax, N.S.	PC
Mearson, Landon	Ontario	Ottawa, Ontario	Lib
McPin, Lucie	Shawinigan	Montreal, Que.	Lib
McTavish, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Moulton, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Moy, Vivienne	Toronto	Toronto, Ont.	Lib
Mud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Mivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Stetakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Stebeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.	PC
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Saylor, Nicholas William	Sturgeon	Bon Accord, Alta.	Lib
Skachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Statt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Steebe, John	Saskatchewan	Swift Current, Sask.	Lib
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.	Ind

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(March 1, 2001)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
19 Francis William Mahovlich	Toronto	Toronto
20 Vivienne Poy	Toronto	Toronto
21 Isobel Finnerty	Ontario	Burlington
22		
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
E. Leo Kolber	Victoria	Westmount
Charlie Watt	Inkerman	Kuujuaq
Pierre De Bané, P.C.	De la Vallière	Montreal
Roch Bolduc	Gulf	Sainte-Foy
Gérald-A. Beaudoin	Rigaud	Hull
John Lynch-Staunton	Grandville	Georgeville
Jean-Claude Rivest	Stadacona	Quebec
Marcel Prud'homme, P.C.	La Salle	Montreal
W. David Angus	Alma	Montreal
Pierre Claude Nolin	De Salaberry	Quebec
Lise Bacon	De la Durantaye	Laval
Céline Hervieux-Payette, P.C.	Bedford	Montreal
Shirley Maheu	Rougemont	Ville de Saint-Laurent
Léonce Mercier	Mille Isles	Saint-Élie d'Orford
Lucie Pépin	Shawinigan	Montreal
Marisa Ferretti Barth	Repentigny	Pierrefonds
Serge Joyal, P.C.	Kennebec	Montreal
Joan Thorne Fraser	De Lorimier	Montreal
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
Sheila Finestone, P.C.	Montarville	Montreal
Raymond C. Setlakwe	The Laurentides	Thetford Mines

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore ..	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Marie Cordy	Nova Scotia	Dartmouth
9 .....	.....	.....
10 .....	.....	.....

NEW BRUNSWICK—10

THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Jean-Maurice Simard	Edmundston	Edmundston
4 Noël A. Kinsella	Fredericton-York-Sunbury ...	Fredericton
5 Mabel Margaret DeWare	Moncton	Moncton
6 Erminie Joy Cohen	New Brunswick	Saint John
7 John G. Bryden	New Brunswick	Bayfield
8 Rose-Marie Losier-Cool	Tracadie	Bathurst
9 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
10 .....	.....	.....

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 .....	.....	.....
4 .....	.....	.....

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Winnipeg
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Richard H. Kroft	Manitoba	Winnipeg
6 .....	.....	.....

BRITISH COLUMBIA—6

THE HONOURABLE		
Edward M. Lawson	Vancouver	Vancouver
2 Jack Austin, P.C.	Vancouver South	Vancouver
3 Pat Carney, P.C.	British Columbia	Vancouver
4 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler ..	Maple Ridge
5 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
6 .....	.....	.....

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 John Wiebe	Saskatchewan	Swift Current
6 .....	.....	.....

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Nicholas William Taylor	Sturgeon	Bon Accord
4 Thelma J. Chalifoux	Alberta	Morinville
5 Douglas James Roche	Edmonton	Edmonton
6 Tommy Banks	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6		

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
THE HONOURABLE		
Thérèse Lavoie-Roux	Quebec	Montreal, Que.

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of March 1, 2001)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux**Deputy Chair:** Honourable Senator Johnson**Honourable Senators:**

Carney	Christensen,	Johnson,	Rompkey,
*Carstairs (or Robichaud)	Cochrane,	*Lynch-Staunton, (or Kinsella)	Sibbeston,
Chalifoux,	Cordy,	Pearson,	Tkachuk,
	Gill,		Wilson.

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Cochrane, Cordy, Gill,
Johnson, *Lynch-Staunton (or Kinsella), Pearson, Rompkey, Sibbeston, Tkachuk., Wilson.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Gustafson**Deputy Chair:** Honourable Senator Wiebe**Honourable Senators:**

*Carstairs (or Robichaud)	Fitzpatrick,	*Lynch-Staunton, (or Kinsella)	Stratton,
Chalifoux,	Gill,	Milne,	Taylor,
Fairbairn,	Gustafson,	Oliver,	Tkachuk,
	LeBreton,		Wiebe.

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton,
*Lynch-Staunton (or Kinsella), Milne, Oliver, Stratton, Taylor, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber**Deputy Chair:** Honourable Senator Tkachuk**Honourable Senators:**

Angus,	Hervieux-Payette,	*Lynch-Staunton, (or Kinsella)	Oliver,
Banks,	Kelleher,	Maheu,	Setlakwe,
*Carstairs (or Robichaud)	Kenny,	Meighen,	Tkachuk.
Furey,	Kolber,		

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Furey, Hervieux-Payette, Kelleher, Kolber, Kroft,
*Lynch-Staunton (or Kinsella), Meighen, Oliver, Poulin, Setklawe, Tkachuk., Wiebe.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Taylor
Honourable Senators:

Banks,	Christensen,
Buchanan,	Cochrane,
*Carstairs (or Robichaud)	Eyton, Finnerty,

Deputy Chair: Honourable Senator Spivak

Kelleher,	Spivak,
Kenny,	Taylor,
*Lynch-Staunton, (or Kinsella)	Watt.
Sibbeston.	

Original Members as nominated by the Committee of Selection

*Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kelleher, Kenny, *Lynch-Staunton (or Kinsella), Sibbeston, Spivak, Taylor, Watt.*

FISHERIES

Chair: Honourable Senator Comeau
Honourable Senators:

Adams,	Carney,
Callbeck,	Chalifoux,
*Carstairs (or Robichaud)	Comeau, Cook,

Deputy Chair: Honourable Senator Cook

Corbin,	Meighen,
*Lynch-Staunton, (or Kinsella)	Moore,
Mahovlich,	Robertson,
	Watt.

Original Members as nominated by the Committee of Selection

*Adams, Callbeck, *Carstairs (or Robichaud), Carney, Chalifoux, Comeau, Cook, *Lynch-Staunton (or Kinsella), Mahovlich, Meighen, Molgat, Moore, Robertson, Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery
Honourable Senators:

Andreychuk,	*Carstairs (or Robichaud)
Austin,	Corbin,
Bolduc,	De Bané,
Carney,	

Deputy Chair: Honourable Senator Andreychuk

Di Nino,	*Lynch-Staunton, (or Kinsella)
Grafstein,	Poulin.,
Graham,	Stollery.
Losier-Cool,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Poulin, Stollery.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Kroft
Honourable Senators:

Austin,	DeWare,
*Carstairs (or Robichaud)	Doody,
Comeau,	Forrestall,
De Bané,	Furey,
	Gauthier,

Deputy Chair: Honourable Senator DeWare

Kenny,	Milne,
Kroft,	Murray,
*Lynch-Staunton, (or Kinsella)	Poulin,
Maheu,	Stollery,

Original Members as nominated by the Committee of Selection

*Austin, *Carstairs (or Robichaud), Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier, Kenny, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Milne, Murray, Poulin, Stollery.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Milne
Honourable Senators:

Andreychuk,	*Carstairs (or Robichaud)
Atkins,	Cools,
Beaudoin,	Fraser,
Buchanan,	

Deputy Chair: Honourable Senator Beaudoin

Grafstein,	Milne,
Joyal,	Moore,
*Lynch-Staunton, (or Kinsella)	Nolin,
	Pearson.

Original Members as nominated by the Committee of Selection

*Andreychuk, Atkins, Beaudoin, *Carstairs (or Robichaud), Cools, Fraser, Grafstein, Joyal, *Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson.*

NATIONAL FINANCE

Chair: Honourable Senator Murray
Honourable Senators:

Banks,	Comeau,
Bolduc,	Cools,
*Carstairs (or Robichaud)	Doody,
	Finnerty,

Deputy Chair: Honourable Senator Finnerty

Ferretti Barth,	*Lynch-Staunton, (or Kinsella)
Hervieux-Payette,	Mahovlich,
Kinsella,	Murray.
Kirby,	

Original Members as nominated by the Committee of Selection

*Banks, Bolduc, *Carstairs (or Robichaud), Cools, Doody, Finnerty, Ferretti Barth, Hervieux-Payette, Kinsella, Kirby, *Lynch-Staunton (or Kinsella), Mahovlich, Murray, Stratton.*

PRIVILEGES, STANDING RULES AND ORDERS

Chair: Honourable Senator Austin

Honourable Senators:

Andreychuk,	Corbin,
Austin,	DeWare,
Bryden,	Di Nino,
*Carstairs (or Robichaud)	Gauthier,
	Grafstein,

Deputy Chair: Honourable Senator Stratton

Joyal,	Murray,
Kroft,	Poulin,
Losier-Cool,	Rossiter,
*Lynch-Staunton, (or Kinsella)	Stratton,

Original Members as nominated by the Committee of Selection

Andreychuk, Austin, Bryden, *Carstairs (or Robichaud), DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, *Lynch-Staunton (or Kinsella), Murray, Poulin, Rossiter, Stratton.

SELECTION

Chair: Honourable Senator Mercier

Honourable Senators:

*Carstairs (or Robichaud)	Cordy,
	DeWare,
Corbin,	Fairbairn,

Deputy Chair:

Kinsella,	Mercier,
LeBreton,	Milne,
*Lynch-Staunton, (or Kinsella)	Robertson.

Original Members agreed to by Motion of the Senate

Austin, *Carstairs (or Robichaud), Corbin, DeWare, Fairbairn, Graham, Kinsella, LeBreton, *Lynch-Staunton (or Kinsella), Mercier, Murray.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Honourable Senators:

Callbeck,	Cook,
*Carstairs (or Robichaud)	Cordy,
	Fairbairn,
Cohen,	Graham,

Deputy Chair: Honourable Senator LeBreton

Johnson,	*Lynch-Staunton, (or Kinsella)
Kirby,	Pépin,
LeBreton,	Robertson,
	Roche.

Original Members as nominated by the Committee of Selection

Callbeck, *Carstairs (or Robichaud), Cohen, Cook, Cordy, Fairbairn, Graham, Johnson, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Pépin, Robertson, Roche.

TRANSPORT AND COMMUNICATIONS**Chair: Honourable Senator Bacon****Deputy Chair: Honourable Senator Forrestall****Honourable Senators:**

Adams,	*Carstairs (or Robichaud)	Fitzpatrick,	Milne,
Bacon,	Eyton,	Forrestall,	Rompkey,
Callbeck,	Finestone,	*Lynch-Staunton, (or Kinsella)	Setlakwe, Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Angus, Bacon, Callbeck, *Carstairs (or Robichaud), Christensen, Eyton, Finestone, Fitzpatrick, Forrestall, *Lynch-Staunton (or Kinsella), Rompkey, Setlakwe, Spivak.*

Thursday, March 1, 2001

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31		
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications					
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs					
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0			
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce					
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce					
S-17	An Act to amend the Patent Act	01/02/20							

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No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance					
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications					
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31							
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07							
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07							
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology					
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources					
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20							
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21							

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(HANSARD)

Monday, March 12, 2001

—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Monday, March 12, 2001

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

NEWFOUNDLAND

POUCH COVE—IN MEMORY OF THREE BOYS
LOST WHILE PLAYING ON ICE FLOE

Hon. Joan Cook: Honourable senators, today at 11 a.m. at St. Agnes Roman Catholic Church in the seaside town of Pouch Cove, the family of the late Jesse Elliott gathered, supported by the entire population of the community and others along the shore, to bid farewell to Jesse and to pray for Adam and Adrian, whose bodies have not yet been recovered.

On Thursday evening of last week, Jesse and his friends Adam Wall, Adrian "A.J." Sullivan and Michael Sparkes came home from their high school, Holy Trinity in Torbay, played a game of pool and then went "copying."

Honourable senators, frolicking on harbour ice is known as "copying" in Newfoundland coastal communities, dangerous in its pursuit, with wet feet usually being the worst outcome. We all did it.

This time, the outcome was different. Tragedy struck. One youth slipped and fell into the icy waters when the ice floes shifted and tilted under the stress of an undertow brought on by the heavy northeast winds. They tried to help each other, and two of them met the same fate. The fourth youth, Michael Sparkes, lying on his stomach on an ice floe, tried in vain to rescue his friends, but to no avail, and so raced to the shore for help. People were at the scene immediately, but their efforts were no match against the relentless slob ice and heavy seas.

Honourable senators, as the family and friends mourn the loss of these young people, they have been supported by the community of Pouch Cove and the surrounding area, the Canadian Coast Guard, the Royal Newfoundland Constabulary, and the volunteer firemen, all of whom worked tirelessly around the clock. The families of Adam and A.J. wait in the hope that their bodies may yet be found.

Honourable senators, it is indeed fitting to pay tribute to the bravery of Michael Sparkes and to commend him for his courage, "knowing that we are not alone; we live in God's world thanks be to God."

ANTI-SLAVERY SOCIETY OF CANADA

ONE-HUNDRED-FIFTIETH ANNIVERSARY OF FOUNDING

Hon. Donald H. Oliver: Honourable senators, about a week ago in Ottawa I had the honour to attend an event that marked the one-hundred-fiftieth anniversary of the founding of the Anti-Slavery Society of Canada. It was a widely attended, spiritually moving event.

It was on February 26, 1851, that George Brown — founder of the *Globe* and a Father of Confederation — and other concerned white people in Canada founded the society. Tens of thousands of Black people who had run away from slavery in the United States had found safe haven in Canada.

Last week's activities were highlighted with the Ottawa premiere of the National Film Board's *Journey to Justice*, by Roger McTair and Karen King-Chigbo. It was a beautiful moving film about our Canadian justice system and our struggle for equality.

I was happy that the Government of Canada was fully supportive of this project. The National Film Board of Canada, the National Library of Canada and the National Archives of Canada all cooperated with the J'Nikira Dinquine Education Centre in presenting the evening as a time of celebration and praise for those brave people who, 150 years ago, founded the Anti-Slavery Society and demanded changes to discriminatory laws in Canada. The National Archives have an excellent exhibition in celebration of the anniversary.

Following the film, there were excellent presentations by Honourable Justice Juanita Westmoreland-Traoré; Honourable David Kilgour, Secretary of State for Latin America and Africa; Michelle Falardeau-Ramsay, Chief Commissioner, Canadian Human Rights Commission; and Stanley G. Grizzle, a labour activist and retired citizenship judge.

Honourable senators, if you ever have an opportunity to see the film *Journey to Justice*, it is well worth a view.

[Translation]

• (2010)

QUEBEC FACULTIES OF MEDICINE

FEMINIZATION OF PROFESSION

Hon. Lise Bacon: Honourable senators, I should like to draw your attention to an article from the front page of last Wednesday's *Le Devoir*. It reads as follows:

Medicine anxious to retain its male students. Université de Montréal wonders if its admission criteria favour female students too much.

In fact, 70 per cent of candidates admitted to the Université de Montréal are female. It is worthy of note that this is not an isolated phenomenon, but rather part of a trend. Further on in the article it is reported that close to 60 per cent of Quebec medical students are women.

This is no cause for rejoicing, however; at the Université de Montréal, the fact that the majority of medical school admissions are women has given rise to certain misgivings, definite misgivings.

The Department of Education requires faculties of medicine to recruit at least half of their new admissions from the graduates of the Cégeps. These are, of necessity, younger than the other half of admitted students, who already hold bachelor's or master's degrees.

In the Cégep portion of admissions, the girls are more mature than boys of the same age; a larger proportion of them are chosen and are then successful in the selection interview, the second stage of the admissions process.

In order to ensure that there is no injustice being done to male students, the Université de Montréal is therefore looking into whether female bachelor's or master's degree holders are more successful than their male counterparts at obtaining admission to the faculty of medicine.

What is worthy of our attention here today is not so much the fact that the Université de Montréal is reviewing its selection process — which is sometimes worthwhile doing if justified — but that this review has been motivated by the discovery that, generally speaking, women are more successful than men in gaining admission to the faculty of medicine.

Does that mean that whenever girls are in the majority in a discipline the selection process must be reviewed to ensure the boys are not unfairly treated? Do we always ask the opposite question in disciplines where men are in greater numbers? Where were these same decision makers when only men attended our universities? What happened to women's interests at the time?

Honourable senators, I become concerned when I see that reputable teaching institutions such as the Université de Montréal

question the merit of women's success. I become concerned when people seem to want to limit the presence of women in medicine. Is it still necessary to justify their presence in the universities? I hope not.

Honourable senators, these practices must be denounced.

[English]

ROUTINE PROCEEDINGS

ABORIGINAL PEOPLES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Thelma J. Chalifoux: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Aboriginal Peoples, which deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

FEDERAL NOMINATIONS BILL

FIRST READING

Hon. Terry Stratton presented Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Stratton, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

FISHERIES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Gerald J. Comeau: Honourable senators, I give notice that on Tuesday next, March 13, 2001, I shall move:

That the Standing Senate Committee on Fisheries have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

THE SENATE

BRITISH COLUMBIA—ELECTION OF SENATORS— NOTICE OF INQUIRY

Hon. J. Michael Forrestall: Honourable senators, I give notice, on behalf of the Honourable Senator Carney, P.C. that on Wednesday next, March 14, 2001, she will call the attention of the Senate to the desirability of electing senators from the province of British Columbia to the Senate of Canada.

QUESTION PERIOD

SOLICITOR GENERAL

SUMMIT OF THE AMERICAS—USE OF PEPPER SPRAY BY POLICE FORCES—POSSIBLE INFRINGEMENT OF HUMAN RIGHTS

Hon. Mira Spivak: Honourable senators, there is a particular spectacle that I do not think many of us ever expected to see in Canada, and that is the unbelievable preparations in Quebec City for the Summit of the Americas.

Most of you must have seen an article over the weekend by *Globe and Mail* reporter Michael Valpy, which raised a question in my mind about the issue of pepper spray. Civil rights lawyer Clayton Ruby is questioning whether the police have the right to use it automatically as a tool to quell political protests. He believes that it goes beyond the authority given to police in the Criminal Code to inflict grievous bodily harm when police lives are in danger.

A British Columbia Court of Appeal has defined “grievous bodily harm” to include serious pain, which pepper spray inflicts.

My question to the Leader of the Government in the Senate is this: Has the government looked at the question? Has it examined whether constitutional rights are being infringed upon. In particular, I would like to know the legal basis for the use of pepper spray against peaceful demonstrations.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question. However, her last sentence says it all. If the demonstration is peaceful — that is, if there is neither an attempt to massively knock down barricades nor an attempt to infringe or harm the representatives of the 34 countries which are coming to Canada to attend this summit — there would be no need to use pepper spray and there would be no use of pepper spray. However, if a group of individuals — and we all know that they tend to be few in comparison with the massive numbers of individuals who attend such an event — decide to perpetrate violent acts, then the police will do what is necessary to protect the safety of the citizens of Canada and our guests.

Senator Spivak: Honourable senators, perhaps the Leader of the Government could let us know, if not today then at some later time, exactly what the written rules of engagement are and what

role the federal government is playing in security preparation for the summit. There is the Sûreté du Québec but this is a federal government meeting. I would be interested in knowing exactly how that will all play out. That is to say, is the federal government giving instructions or does the Sûreté du Québec follow its own set of rules? We all know that in the heat of the moment, innocent people do get pepper sprayed. They have the past.

• (2020)

Senator Carstairs: Honourable senators, it is always the RCMP who, in international conferences and visits to Canada, set the procedures for the police officers to follow. In this case the Sûreté du Québec will be very much a part of providing the security arrangements for the visiting guests. They will also be protecting, to the very best of their ability, those innocent, thoughtful, considerate protesters who have a legitimate position to represent in a peaceful and respectful way to those who would attend our nation.

Senator Spivak: Honourable senators, I have one final question. Does the RCMP have the lead role here? Does the RCMP have the final say in how the Sûreté du Québec will behave in this matter?

Senator Carstairs: As I am sure the honourable senator knows, the Sûreté du Québec, like the Ontario Provincial Police, is an independent police organization. They do not take the duties any less seriously than do the members of the RCMP. While the RCMP is the lead in this issue, the Sûreté du Québec will respond, if they are in fact the group on site, according to the guidelines that have been set and established.

THE SENATE

POSSIBLE STUDY TO UPDATE REPORT ON CONCENTRATION OF MEDIA

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) Honourable senators, the minister will recall that, a few months ago, this house authorized a study to update the original report on palliative care called “Of Life and Death.”

Would the minister be supportive of the Senate doing an update of the study led by Senator Keith Davies and Senator Charlie McElman some years back on the concentration of media in Canada?

Hon. Sharon Carstairs (Leader of the Government) Honourable senators, that report was excellent. It pointed out many of the failings of the media in that era. If a group of honourable senators would like to propose such an update to the chamber, I think it would be met favourably by other honourable senators.

Senator Kinsella: Honourable senators, can the minister shed any light on reports heard in some quarters of this town over the last couple of days that a “red panel” or a “blue panel” or a panel of experts called by some colour is being considered to undertake such a study? If the minister has any such information, would she share that with us?

Senator Carstairs: Honourable senators, I have no such information. However, I know that this particular body of individuals does good work, so I am very partial to letting this group do any such study.

and organizations? Finally, will we have a system to check on the operational responsibilities of the departments and organizations governed by the Public Service Employment Act?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question, but he has information that I do not have. I do not know that there is any such review contemplated, nor do I know the direction of such a review if one is in fact in the works. However, I assure the honourable senator that I will make inquiries and report back to him.

Senator Gauthier: Honourable senators, that was the news in Ottawa today. The headline of the *Ottawa Citizen* said that Madam Robillard, President of the Treasury Board, is entertaining the idea of a serious study on the issue of reforming the Public Service of Canada. Could the minister tell me if the study will include the entire framework policy and legislation, everything from labour relations to collective bargaining to job classification, hiring, firings, promotions, pay, training, career development, learning and even workload? Mrs. Robillard alleged today that that study was being entertained or being followed.

I wonder about previous efforts to advance such legislation, which failed because of a lack of parliamentary involvement. Will the minister endeavour to ensure that the Senate and the House of Commons will be involved in any future review of the Employment Act and the Public Service Staff Relations Act?

Senator Carstairs: Honourable senators, I thank the honourable senator for his question. I woke up this morning in Winnipeg and, therefore, my newspaper of choice was the *Winnipeg Free Press*, not the *Ottawa Citizen*. There was no article in the *Winnipeg Free Press* with respect to Minister Robillard's particular plans on this matter. If she is entertaining such a study, she has not informed me of it.

I will speak to the honourable minister. I will bring the message from this chamber on behalf of the honourable senator, that he wants members of the House of Commons and members of the Senate actively engaged in such an undertaking.

CHURCH COMMUNITY

FINANCIAL SUPPORT TO SETTLE LAWSUITS BY FORMER STUDENTS
OF RESIDENTIAL SCHOOLS—POSSIBILITY OF DISCUSSIONS WITH
GROUPS INVOLVED—
FINANCIAL COMPENSATION

Hon. Douglas Roche: Honourable senators, my question to the Leader of the Government returns to the subject of the residential schools issue. In the interlude of the past few days, I have been exchanging views with the Honourable Herb Gray, the government representative on this matter, in the pages of the *National Post*. I would rather exchange our views directly here in Parliament.

POSSIBLE STUDY TO DEVELOP SUSPENSION POLICY FOR SENATORS CHARGED WITH CRIMINAL OFFENCES

Hon. Serge Joyal: Honourable senators, my question is for the Leader of the Government in the Senate. Considering that it is our duty as senators to maintain and enhance the trust of all Canadians in the Parliament of Canada, and considering the fact that it is in the interests of all senators to protect the integrity of the Senate as a legislative chamber, can the government leader inform this house if the government agrees that a suspension policy for senators charged or convicted of serious criminal offences is needed, and if so, when does the government intend to proceed with debate on such a proposal?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. The government has not taken a position on this issue because it is this chamber that must take a position on the issues of the duties and responsibilities and the means by which members of this chamber carry out those duties and responsibilities. However, I have been in touch with the Chair of the Standing Committee on Privileges, Standing Rules and Orders, Senator Jack Austin. Senator Austin informed me that he believes such a study is desirable and that he will, at his first opportunity in meeting with his Rules Committee, discuss the outlines of such a policy. He will obtain input not only from senators who sit on that committee but from all senators who sit in this chamber.

[Translation]

TREASURY BOARD

POSSIBLE REFORM OF PUBLIC SERVICE—
INVOLVEMENT OF SENATE

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate. Could the minister confirm that the government intends to proceed with a major review of the laws governing the Public Service of Canada?

Several years ago, the Canadian Parliament conducted a review of the Public Service Staff Relations Act. To my knowledge, there has not been a comprehensive review of the Public Service Employment Act in the past 40 years.

Could the minister tell us which process will be used to conduct the study? Will the work be done by a joint committee of Parliament? Will the study include a review of the role given to the Public Service Commission and of its relations with the Treasury Board Secretariat? Will the study include the relations of the Public Service Commission with the various departments

The minister said that facilitating healing and reconciliation is a primary objective and that the government has been working to find ways to move away from costly litigation. To that I say, "Exactly." I must therefore ask: What has been holding back the minister from bringing all the parties — the First Nations, the churches and the government — to the table at the same time to find a solution to this costly problem, a solution that is in the best interests of the former students, the churches and all of Canadian society?

• (2030)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the senator for that question. I want to put a response on the record because when the honourable senator asked this question previously, I interpreted his question in the vein that the minister had not met with members of the Aboriginal community. In fact, that is not true. The minister, who is the Deputy Prime Minister in this case, has met with all the players. At that point, he felt that it was wiser to meet with them individually than to bring them to the table. I can only assume that is what the players wanted to have happen at that time.

As to the comments about wishing to facilitate healing, certainly that objective should be paramount to everyone in this process. The Aboriginal people who have been betrayed by being subjected to physical and sexual abuse need to go through that healing process. The aim of us all is that they come out of any process, litigation or whatever, stronger and better able to cope with the future than many of them are at the present time.

Senator Roche: Honourable senators, I do not wish to contradict or appear to contradict the government leader, for whom I have great respect. However, I should like to place on the record that it is my understanding from my discussions with the parties that the churches, representatives of the former students and the government do want to meet together at the same time. That is the only way we can start a reconciliation process.

I draw to the attention of the minister the words of the outgoing Auditor General, Mr. Desautels, who said that all Canadians should be concerned and disappointed that so many Aboriginal issues remain unresolved, often taking the last-resort approach of going to the courts. This has led Tony Merchant, the Saskatchewan lawyer who is representing many of these claims, to charge that the government is using legal tricks and a tough-guy litigation approach to wear down the native plaintiffs. I emphasize that I do not associate myself with Mr. Merchant's comments. However, because he has achieved such prominence in making these comments, I should like to know the government's response to claims that the process is going nowhere.

Senator Carstairs: Honourable senators, I will not defend or attack the views expressed by Tony Merchant, who is acting as a

lawyer and presumably getting substantial fees for acting upon a particular element within the community.

The issue is very simple. We must try to provide support to those individuals who have suffered. We must also ensure, to the best of our ability, that the churches that are part of this litigation process do not end up being unable to continue their service, not only to the so-called non-Aboriginal community but in many cases to the Aboriginal community itself. That is why the process has been put into place and that is why our Deputy Prime Minister has been conducting negotiations. It is important that those negotiations continue so that justice is served and, most important, so that the people involved are healed.

Senator Roche: Honourable senators, it is clear that virtually everyone, except perhaps some of the strongest litigators, wants a reconciliation approach. However, this reconciliation approach would have within it an element of financial compensation. Has the government taken a firm position that it will not include financial compensation on the cultural charges that have been laid in connection with residential schools to effect an out-of-court reconciliation approach?

Senator Carstairs: Honourable senators, if my honourable friend is suggesting that there should never, under any circumstances, be financial compensation, I cannot agree. Such suffering may have occurred that financial compensation is entirely appropriate. If the honourable senator is saying the financial compensation be taken off the table, that is a non-issue as far as I am concerned. There must be an emphasis on reconciliation and treatment. If financial compensation is required to address the serious issue of lack of justice, then it must be provided.

Senator Roche: Honourable senators, I should make my position clear to the minister, who I know is taking this matter very seriously. It is my position that financial compensation should be included in a reconciliation package. I was very glad to hear in the minister's response to the last question that it is his view also that the government should include financial compensation for the cultural abuse that the former students of residential schools suffered.

Senator Carstairs: Honourable senators, we could get into debate, which is not allowed in Question Period, but I think it is important for members of this chamber to understand how broadly the honourable senator is defining "cultural" as the basis for any settlement. I think the government is focusing primarily on the physical and sexual abuse that has been perpetrated against these individuals. That is where the communities seem to have placed their primary focus at this time.

In terms of financial compensation, it is important that the government be at the table. However, it is also important that individuals and/or organizations are judged responsible for the abuse, then financial compensation should be attributed to them as well.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have five delayed answers: First, to Senator Kinsella's question on February 7, 2001, regarding the names of participants in the Team Canada mission to China; second, to Senator Kinsella's question on February 8, 2001, regarding the Auditor General's report and matters of special importance; third, to Senator Stratton's question on February 7, 2001, regarding the Office of Critical Infrastructure Protection and Emergency Preparedness; fourth, to Senator Spivak's question on February 20, 2001, regarding the CFIA and BSE; and, fifth, to Senator Oliver's question on February 22, 2001, regarding the Public Service Commission, visible minorities on Web site.

INTERNATIONAL TRADE

TRADE MISSION TO CHINA—REQUEST FOR NAMES OF PEOPLE ACCOMPANYING PRIME MINISTER

(Response to question raised by Hon. Noël A. Kinsella on February 7, 2001)

QUESTION:

Could the minister advise this house as to the names of those persons who shall be accompanying the Prime Minister on his visit to China?

(For text of answer, see appendix, p. 258.)

AUDITOR GENERAL

PRINCIPLES OF FIDUCIARY RESPONSIBILITY IN THE MANAGEMENT OF PUBLIC FUNDS—GOVERNMENT POLICY

(Response to question raised by Hon. Noël A. Kinsella on February 8, 2001)

The four principles outlined by the Auditor General are: that all spending should be sanctioned by Parliament, that spending should be managed with probity and efficiency, that the value of spending should be measured by what is achieved, and that spending programs should remain current.

The four principles outlined by the Auditor General are, in fact, an integral part of the government's management framework. Parliamentary authorization of expenditures is the foundation of our procedures for approval of the Budget, Main Estimates and Supplementary Estimates. Further, the government's tabling of "Results for Canadians, A Management Framework for the Government of Canada," clearly integrates these principles with the best of modern management practices. The Framework outlines the government's commitment to ensuring that programs are

responsive and relevant to the needs of citizens; that decisions reflect the highest standard of public service values; that management focus on the achievement of results; and, responsible spending through discipline, due diligence and rigorous accountability.

NATIONAL DEFENCE

PROPOSED OFFICE OF CRITICAL INFRASTRUCTURE PROTECTION AND EMERGENCY PREPAREDNESS—REQUEST FOR INFORMATION

(Response to question raised by Hon. Terry Stratton on February 7, 2001)

The creation of the Office of Critical Infrastructure Protection and Emergency Preparedness demonstrates this Government's commitment to assuring the health, safety, security and economic well-being of Canadians. It will provide national leadership to help ensure the protection of Canada's critical infrastructure as well as ensuring national civil emergency preparedness. The Minister of National Defence will be the Minister responsible for the organization.

The Government recognizes the need to enhance Canada's ability to protect its critical infrastructure such as energy and utilities, communications, services, transportation, safety and government sectors against failures or disruptions, whether from natural disasters, accidents or deliberate acts. This new organization will develop and implement a comprehensive approach to protecting Canada's critical infrastructure, in both its physical and cyber dimensions, and to ensuring strong and safe communities for Canadians. It will do this in collaboration with other federal departments and agencies.

This Office will also be the Government's primary agency for ensuring national civil emergency preparedness, thereby encompassing the existing functions and skilled resources of Emergency Preparedness Canada. There are good reasons for consolidating both critical infrastructure protection and emergency preparedness within one organization — they share a common focus, namely the protection of our property and infrastructure from disruptions or failure. Moreover, natural disasters and accidents can have adverse consequences for our critical infrastructures in much the same way that cyber related events can. Thus, combining in one organization the knowledge, skills and resources for both critical infrastructure protection and emergency preparedness will provide a stronger, more integrated and comprehensive national approach to dealing with physical and cyber infrastructure threats and vulnerabilities, regardless of their source. This will be of considerable benefit to Canadians.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—
GUIDELINES FOR SCREENING AGAINST
BOVINE SPONGIFORM ENCEPHALOPATHY—
PROPER SURVEILLANCE AND ENFORCEMENT

(Response to questions raised by Hon. Mira Spivak on February 20, 2001)

QUESTION:

Why do we not have a ban on the feeding of meat and bone meal to all animals? Why have all high-risk organs, such as brains and intestines, not been removed from the human and animal food chains?

ANSWER:

In 1997, the CFIA amended the *Health of Animals Regulations* to ban the feeding of protein that originated from mammals, except swine and horses, back to ruminants such as cattle, sheep and deer. This protein feeding ban includes meat, bone meal, brains and intestine. This policy is in line with measures requested by the World Health Organization, which called for a worldwide ban on the feeding of ruminant tissue to ruminants because of concerns in the U.K. The control measures also meet the requirements that the Organization Internationale des Épizooties has established for the prevention of BSE.

QUESTION:

Why are dead animals not fit for human consumption still used as animal feed?

ANSWER:

For many years, by-products of domestic animals processed for food in Canada and abroad have been rendered and used as ingredients in feeds for livestock. The fats and proteins obtained from rendering are considered high-quality, economical sources of nutrients for livestock feeds. Rendering of the millions of kilograms of animal by-products generated annually also represents a viable, environmentally conscious disposal alternative to incineration, burial, or landfill disposal. This feeding practice is in place for species which are not susceptible to BSE or other Transmissible Spongiform Encephalopathies.

QUESTION:

Why is there not an active BSE surveillance program with adequate testing?

ANSWER:

Domestic surveillance for BSE has been ongoing since 1991. The national BSE surveillance program is based on

testing brains taken from clinically suspect animals at federal, provincial and university laboratories. Cattle that are raised for the production of beef are usually too young for detection of the disease, so the program concentrates on older animals, especially those showing suspicious disease signs. At present, Canada tests around 900 cows annually (as compared with international requirements for 375 animals). Canadian testing has to date confirmed the absence of BSE.

QUESTION:

What kind of enforcement and surveillance is the Government taking to ensure that there is no serious health risk involved with the 13 rendering plants cited in the EC report that might be a source of cross-contamination?

ANSWER:

Since 1997, all inedible rendering plants in Canada have been required to obtain a yearly permit to operate from the CFIA. This permit requirement was introduced as part of the feeding ban amendments to the *Health of Animals Regulations* in 1997. This control measure serves to improve the certainty that renderers comply with the manufacturing, labelling and record keeping conditions set out in these regulations. As a result, each inedible rendering plant has been inspected annually by the CFIA to verify that they comply with federal regulations. The issuance of permits is contingent on rendering plants being fully in compliance with the regulatory requirements which is verified through annual CFIA inspections. As part of the requirements, renderers who handle ruminants and other species are required to process them separately to avoid cross-contamination. In addition, all products containing the banned materials must be clearly identified.

PUBLIC SERVICE COMMISSION

VISIBLE MINORITIES—JOB DESCRIPTION ON WEB SITE

(Response to question raised by Hon. Donald H. Oliver on February 22, 2001)

—The Public Service Commission (PSC) is an independent agency reporting to Parliament. The PSC appoints qualified persons to and within the Public Service according to the principle of merit.

—The PSC advertises federal Public Service jobs open to the public through various methods including the jobs.gc.ca Web site.

— In seeking to be more representative and in accordance with the Employment Equity (EE) program, departments may decide, as a special measure when other options to eliminate under-representativeness are unlikely to be successful, to limit recruitment to one or more of the equity groups. This is the case for both temporary (term) and permanent (indeterminate) hiring.

— Inventories of qualified candidates are generally established to fill temporary administrative support and secretarial-type positions. The PSC's Nova Scotia district has begun to establish a series of visible minority inventories to fill these types of positions in various locales in the Province.

— The use of the term "non-white" is used to provide clarity as to who is considered to be a member of a visible minority. The *Employment Equity Act* defines members of visible minorities as "persons, other than aboriginal peoples, who are nonCaucasian in race or nonwhite in colour".

— The use of the term "non-white" by the PSC is consistent with the definition given by the *Employment Equity Act*, as well as by the Treasury Board Secretariat (TBS) which defines a visible minority as a person in Canada (other than an Aboriginal person) who is non-white in colour/race, regardless of place of birth.

— The government, through the PSC, advertises positions on an on-going basis, many of which are open to large numbers of Canadians. Providing access to job opportunities is an important aspect of the PSC's role in ensuring merit-based hiring.

interstate highway system of the United States. An average of 14,000 vehicles cross the bridge every day, with as many as 20,000 vehicles crossing per day during the busy tourist season.

Much of the traffic that crosses the bridge is directly connected to Canada's exports to the United States. Approximately 6,000 trucks cross that bridge every day. The bridge is also the quickest route from Montreal and Toronto to Chicago and the American Midwest.

• (2040)

The Blue Water Bridge opened to the public on October 18, 1938. In 1992, an international task force concluded that the first bridge was quickly reaching its capacity and that a second span was required. In the spring of 1995, construction on the second span began; it opened to the public on July 22, 1997. Once the new bridge was open, the original 60-year-old bridge was temporarily closed for much needed rehabilitation and resurfacing.

The Blue Water Bridge Authority was created by an act of Parliament in 1964. The authority has owned and operated the Canadian half of the bridge since that time. The purpose of Bill S-5 is to update the terms of the 1964 act, to give the authority greater ability to borrow the money necessary to increase and improve the services provided at this most important crossing point.

The current act limits the power of the authority to borrow funds unless the bond interest is less than or equal to 6.5 per cent. It is impossible to acquire this rate in today's market, even after the recent interest rate drop by the Bank of Canada. Other bridge authorities have an established maximum borrowing limit. For example, the Peace Bridge between Fort Erie, Ontario, and Buffalo, New York, has a maximum borrowing limit of \$100 million. Bill S-5 proposes a maximum borrowing limit of \$125 million, an amount that will be adequate to handle their long-term debt, currently totalling approximately \$60 million, and their multi-year capital plan, totalling an additional \$55 million.

ORDERS OF THE DAY

BLUE WATER BRIDGE AUTHORITY ACT

BILL TO AMEND—THIRD READING

Hon. Lorna Milne moved the third reading of Bill S-5, to amend the Blue Water Bridge Authority Act.

She said: Honourable senators, I will be very brief. For over 300 years, the crossing between what is now known as Sarnia in Southern Ontario and Port Huron in the State of Michigan has been an important link for trade. It started with the fur traders. Today, the Blue Water Bridge acts as a major commercial link between Canada and the United States.

As the use of this crossing point has increased over the centuries, it has been necessary to slowly expand the services there to accommodate the needs of the time. Today, the Blue Water Bridge links the Trans-Canada Highway system with the

Honourable senators, I can report that the Transport and Communications Committee had no problem with the intent of this bill. It was generally accepted by the committee that the authority needs greater freedom to act independently to meet the needs of the commercial and recreational traffic at the crossing. In fact, many of the senators on the committee were concerned that the borrowing limit contained in this bill was not high enough to meet the authority's long-term financial needs. However, I can assure all honourable senators that the limit proposed in this bill takes into account numerous factors, including studies by the Department of Foreign Affairs and by the Blue Water Bridge Authority on the long-term use of the crossing, the projected population increase in the Sarnia-Port Huron area and the fees that are currently being charged by the authority.

In short, by passing this bill we will be leaving the management of the Blue Water Bridge in capable, professional hands, with absolutely no liability on the part of the federal government. Honourable senators, I hope you will join me in supporting this bill on third reading. This initiative is crucial to allow the authority to meet the demands of the increasing traffic, and to do so in a timely, efficient and cost-effective manner.

The Hon. the Speaker: If no other honourable senator wishes to speak, we will proceed to the motion for third reading.

It was moved by the Honourable Senator Milne, seconded by the Honourable Senator Cordy, that the bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agree to and bill read third time and passed.

PATENT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wiebe, seconded by the Honourable Senator Moore, for the second reading of Bill S-17, to amend the Patent Act.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I believe there are a number of senators on this side who take a particular interest in this bill because the arguments that were put in favour of it by Senator Weibe are remarkably similar to those put forward at the end of 1992, early 1993, by Conservative senators when debating Bill C-91, to amend the Patent Act. Bill C-91 was introduced so that we would conform with agreements reached under the GATT and the NAFTA, and which at the time Senator Weibe's caucus colleagues found most objectionable.

Bill S-17, as it appears before us today, arises from a ruling last September by the World Trade Organization that Canada's Patent Act is inconsistent with a WTO agreement on trade-related aspects of intellectual property. In its backgrounder, the government assures Canadians of the following:

...the World Trade Organization ruling has no significant or sustained impact on drug costs. The impact of the ruling over the eight-year horizon is equivalent to much less than one per cent of pharmaceutical sales in a single year. Canadians will continue to have access to affordable drugs, at prices 40 per cent below US prices.

The backgrounder vaunts the Patented Medicines Prices Review Board as having "the mandate to ensure that prices of patented medicines for sale in Canada are not excessive."

Honourable senators, similar assurances were given in 1992 but were rejected completely by the Liberal opposition, which today is suddenly in favour of an attitude they rejected at the time. In fact, while the government then claimed that the additional patent protection in Bill C-91 was estimated to cost some \$129 million for five years, the parties supporting a similar bill today quoted a number of authorities who differed only in whether the true figure was two, three, four, or even five times that number. Liberals also faulted the review board for having limited powers and even went so far as to question the constitutionality of its price control mechanisms.

The debate on Bill C-22 — the Patent Act, which Bill C-91 amended and which the bill before us also amends — a few years earlier sparked even more outrage by our friends on the other side, both here and in the other place. No matter how tempting, shall spare colleagues any history of that episode, except to say that it stands side by side with the FTA enabling legislation and the GST bill as examples of extreme statements, false argument and petty obstructionism.

Now we have another example of the Liberal government wanting to build on what, while in opposition, they fought so hard to destroy. The minister sponsoring Bill S-21 in the other place said the following about Bill C-22, which Bill S-2 amends:

The citizens will need more than generic drugs to recover from the festering wounds which are about to be inflicted on the exposed ankles of Canada's poorest citizens when the Minister sinks his teeth in past the bone, into the marrow and sucks the life's blood out of Canada's poorest citizens with Bill C-22.

It is my hope that the sponsoring minister will be before the committee shortly. When the minister appears before the committee that will be studying Bill S-21, I hope he will be able to explain how he can now support an amendment to an act of which he said at the time, "gives...drug companies a 10-year guarantee that they can join the minister in sinking his teeth into people who buy drugs."

Honourable senators, in fact, time has shown that there has been no sinking of teeth, no outrageous increases in drug prices and no impotent prices review board despite all the Liberal opposition at the time. I doubt, frankly, if even the most professional and able pharmaceutical and generic industries together, could find a pill so hard to swallow for our friends opposite.

I certainly, in any event, urge that the committee call before representatives from the same interest groups that were so fixed in their positions at the time of Bill C-91, as the reasons for Bill S-17 are the same as those for Bill C-91 — the honouring of international agreements to which Canada is a signatory. No doubt certain attitudes taken then, particularly those of the Liberal Party, have altered considerably, to say the least. It will be revealing to be told why. Suffice it to say that the Progressive Conservative Party, authors of Bill C-22 and Bill C-91, in its traditional consistent self, is supportive of Bill S-17.

• (2050)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Internal Economy, Budgets and Administration (Senate Estimates 2000-2001) presented in the Senate on March 1, 2001.—(*Honourable Senator DeWare*).

Hon. Richard H. Kroft moved the adoption of the report.

He said: Honourable senators, I should like to begin with an acknowledgement of the increasingly heavy workload that is undertaken by this institution.

Many Canadians, in particular those who follow our work in the Senate chamber and in committees, are aware of the Senate's significant contribution to the development of public policy. We provide a forum for issues of importance to Canadians. We explore topics and issues that often do not arise in other legislatures. We examine questions of public policy in more depth and with greater freedom from partisan politics.

As honourable senators are aware, in an average year, government proposals necessitate Senate committees to undertake 50 individual legislative studies.

During the second session of 1999-2000, our work included amendments to the electronic commerce legislation, which led to the strengthening of safeguards for the privacy of personal medical data, and amendments to the Criminal Records Act that limited the scope of the government's proposal to make data about pardoned criminal offences available through the Canadian Police Information Centre.

Let me also remind honourable senators of the work of Senate committees, which have been described as the "heart and soul of the Senate." They are the most important means by which we contribute to the development of public policy. In an average year, these committees hold 400 meetings and spend over 800 hours analyzing policy and reviewing the legislative proposals of the government. Drawing on expert opinion, ideas and information, taken from nearly 1,400 witnesses, senators

produce over 100 reports each year, all of which are presented to the full Senate.

Let us not forget the results of special studies conducted by Senate committees — over 30 each year — authorized by the institution on its own initiative and independent of the government. For instance, in the spring of 2000, the Senate established a special committee to reassess Canada's anti-drug legislation and policies. A motion to reinstate this committee is pending in the Senate.

Examples from last year's special studies include, "Forging New Relationships: Aboriginal Governance in Canada"; the "Taxation of Capital Gains"; "The New NATO and the Evolution of Peacekeeping: Implications for Canada"; and an update on "Of Life and Death," "Quality End-of-life Care: The Right of Every Canadian."

Public interest is already being shown in the work generated in this chamber during the last session. As well, the Speech from the Throne has given us indications of the new issues that Parliament will be called to deal with. Keeping in mind this context, it is clear that this year's agenda will be heavy.

With these introductory remarks, I am pleased to support, along with my colleague Senator DeWare, and on behalf of the Standing Committee on Internal Economy, Budgets and Administration, the Senate's proposed budget of \$56,516,100 to fulfil our mandate in 2001-2002. This amount represents an increase of \$4,020,200, or 7.66 per cent, over the 2000-2001 Main Estimates of \$52,495,900.

Honourable senators will recall that it has been a significant challenge in the last few years to establish a reasonable resource base in the context of government-wide expenditure restraint. I believe that the proposed budget that is before honourable senators will allow the Senate to maintain that base and prevent its further erosion.

Non-discretionary cost increases account for the first tranche of the increase. These include inflation on items such as transportation, administrative arrangements and legislative requirements. The increase provides \$985,000 to pay for these expenditures.

Some \$400,000 has been added to permit the Senate to meet expanding workloads that result in higher research costs and office expenses.

Committees and parliamentary exchanges, protocol and associations have been allocated \$800,000 for two main activities: outreach by committees to various locations throughout the country in order to make them more accessible to witnesses who may be unable to travel to Ottawa, and to defray the Senate's share of a NATO conference to be hosted by Parliament.

The final tranche of the budget provides an amount of some \$1,800,000 for administrative support. This category covers a wide range of goods and services, including accommodation, employee salaries and informatics.

This then is what the Internal Economy Committee envisions as the Senate budget for 2001-2002. If this budget is approved, the per-person-per-year cost to Canadians of the Senate will be \$1.80 — far less than the per capita costs of provincial legislatures, which range currently from a high of \$20 to a low of \$8.

In conclusion, let me say, honourable senators, although I along with the rest of you may not be as unbiased as we should be, that the Senate is composed of many extraordinary individuals who work diligently on behalf of Canadians to improve the quality of life in this country. It is a vital part of our parliamentary system and responds to the social, economic and cultural needs of Canadians. It provides excellent value for money. I firmly believe this proposed budget would prove money well spent.

Honourable senators, I ask you to support the adoption of this report.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I should like to take this opportunity to congratulate Senator Kroft on his appointment as Chair of the Internal Economy, Budgets and Administration Committee. A number of committees will be enjoying the privilege of using the electronic media, television in particular, at their meetings. Could the Chair of this committee tell us whether his committee, the Senate or the House of Commons have completed negotiations with CPAC, the Cable Public Affairs Channel, which distributes the TV signal?

[English]

• (2100)

Can the Chair tell us if that negotiation process is ongoing? Will it be terminated soon? Do we have the funds in there to ensure that future broadcasting of our committees will be appropriately done and distributed by CPAC? Finally, is the committee entertaining the idea of closed captioning our deliberations so that people like me, who happen to be deaf, can read along and follow the proceedings? It would be a great move forward for people in Canada who have a hearing impairment to have access to closed captioning.

Senator Kroft: Honourable senators, first, I am early in this position. I had the same question about the CPAC negotiations. At five o'clock this afternoon, I asked for and received a report on the status of those negotiations. As I was given that report, I was told that the negotiations are ongoing, are not complete. Therefore, I can only report that fact to the honourable senator and tell him that we will be continuing that initiative as aggressively as possible.

If I can recall the other components of the honourable senator's question regarding the funding to carry on the work that might arise out of this arrangement, I know from my work as chairman of the budget subcommittee last year that we have

provision for broadcasts of subcommittee work on an expanded basis. We will have to see how far that provision will carry us in relation to either a full program or what some might regard as a full program, but provision is being made for expanded coverage as well as Internet connection, which was successfully initiated on an experimental basis this past year.

On the question of closed captioning, it is an interesting idea. I shall certainly be happy to take it back to the committee and to those working on this area. I have no idea about its implications but I shall be pleased to keep the honourable senator informed of the investigations.

Senator Gauthier: Honourable senators, I am aware of what is in the old contract, if I may use that word. There was an undertaking by CPAC to invest up to about \$50,000 a year in closed captioning. I want to ensure that the committee is aware of that.

Could we have an update as to whether that commitment was met by CPAC and whether they entertained this year to increase it and to keep it?

Senator Kroft: I take that question as notice and shall certainly ensure that it is pursued by the committee.

The Hon. the Speaker: It was moved by Senator Kroft, seconded by the Honourable Senator Wiebe, that consideration of the second report of the Standing Committee on Internal Economy, Budgets and Administration be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

EMPLOYMENT DISCRIMINATION

INFLUENCE OF COCA-COLA SETTLEMENT—INQUIRY

Hon. Donald H. Oliver rose pursuant to notice of February 1, 2001:

That he will call the attention of the Senate to the Coca-Cola settlement and the preceding lawsuit regarding racial bias in order to inform the Senate about recurrent issues concerning employment discrimination. He will also refer to the details of the settlement, analysis of the case, the reality of North America's corporate culture and the importance of the issue to the Canadian political consciousness.

He said: Honourable senators, I am pleased to speak to this inquiry. I rise today to speak about racial discrimination in contemporary employment practices in North America. My comments are based upon the *Coca-Cola* case.

The Coca-Cola Company of Atlanta, Georgia, has recently agreed to the largest settlement in history, arising from a discrimination lawsuit filed by African-American employees. The company will pay about \$200 million U.S. in the settlement. About three years ago, I rose in this chamber and called honourable senators' attention to the *Texaco* case, in which a major settlement had been reached in another major racial discrimination lawsuit. A few months ago, Microsoft Corporation had a major lawsuit filed against it claiming racism in its Performance Evaluation System.

The reason these cases are of concern for me is that they raise the possibility of the existence of widespread racism in corporate North America. Specifically, my concern was and is that there is a pattern of behaviour that might also be present in Canadian business.

Contrary to our perceived notion of social harmony and our infatuation with multiculturalism, racism is in fact on the rise in Canada. In a 1999 human rights report, the Chief Commissioner, Michelle Falardeau-Ramsey, Q.C., declared the following:

Racism, once thought to be on the decline, is now appearing in subtle new guises — more difficult to recognize, but as poisonous as ever.

In a comprehensive and scientific report released last month by the Canadian Race Relations Foundation called "Unequal Access, The Canadian Profile of Racial Difference in Education, Employment and Income," the report concluded as follows:

Although Canada's labour force is becoming increasingly diverse, racial minorities still face limits in their access to employment. Getting a job is hard, but it is even harder to find a job that matches their qualifications or to move ahead on the job.

Here are the facts related to *Coca-Cola*. In April 1999, eight current and former employees filed a class-action lawsuit against The Coca-Cola Company for discriminatory practices regarding performance evaluation and pay and promotions. In 1995, African-American employees at Coke were paid \$19,000 a year less than their Caucasian counterparts. The difference in salaries between White and Black employees reached \$27,000 by 1998.

In terms of promotions, there was a pattern at Coke of positions being filled without being posted. The company's written policies did not require posting of all positions. Therefore, candidates were often handpicked in advance. Moreover, supervisors had a habit of ignoring the results of panel interviews to ensure that their Caucasian favourites were chosen. As a result, African-American workers were often denied advancement.

Barriers to equal opportunity were particularly obvious in the higher corporate positions — that is to say, there were very few

Blacks in executive positions at Coke. African-American employees numbered about 15.7 per cent in corporate headquarters; only 1.5 per cent made it to the level of pay grade 15, which is the executive level.

The lawsuit alleged that, apart from the barriers to upward advancement, African-American employees were systematically excluded from high-level positions of significant influence such as global marketing, finance, information systems and technical operations. For example, the pleadings in *Coca-Cola* disclose the following:

While about 5% of high-level positions are held by African-Americans within the entire Corporate Office, when the Human Resources and Corporate Affairs Divisions are excluded, that percentage drops to 2.9%. The Technical Operations Division, which oversees purchasing and production, has 82 high-level Caucasians and only one high-level African-American, according to 1998 data from the Corporate Office. The same data reports that the Product Integrity Division — which plays an important role in a company that jealously guards its "secret formula" — has 42 high-level Caucasians and zero high-level African-Americans.

• (2110)

More important, Black employees were involuntarily terminated at a much higher rate than Caucasian employees. For example, of 62 involuntary terminations in 1997, African-American employees accounted for 37 per cent even though their representation at corporate headquarters was under 16 per cent.

Even after the action was started, some members of the management team at Coca-Cola resisted and even denied any wrongdoing. They boasted that diversity was at its best at Coke. Reverend Jesse Jackson attended the annual meeting last year and warned the executive:

Those who choose to deny, dance, or delay a resolution are not serving you well...Coke will lose in the court of law, but worse, in the court of public opinion, unless it seeks new sources of counsel and advice.

After a series of protests and threats of a boycott, a settlement of \$192.5 million was reached. It covers about 2,000 African-American employees, including the 8 plaintiffs in the lawsuit. An Atlanta newspaper reported that Coke's CEO, Douglas Daft, told shareholders that the company needs to be a leader in diversity:

This is the most diverse company in the world, no matter how you define it...We should always do better. No one is perfect. We will be the company that leads the world into a diverse business structure in the 21st century.

But at the nearly three-hour meeting, half of which was taken up by a discussion of diversity, Jackson took the company to task on its employment record during the 20th century.

"Coke's Board of Directors must look like its consumer base," Jackson said. He pointed out, however, that there is no Hispanic on the board and only "one Black for 20 years." He was referring to Donald McHenry, the former U.S. ambassador to the United Nations.

Also, in a speech at Atlanta's Commerce Club, Daft reaffirmed the company's intention:

Our commitment to diversity would ring hollow if we didn't go beyond our obligations, if we didn't defy expectations. I give you my personal commitment that the Coca-Cola company will help our community set an example for the world.

The monetary settlement consists of U.S. \$113 million in back pay and damages for salaried African-Americans who worked between April 22, 1995 and June 14, 2000; \$43.5 million for legal fees; and \$36 million for what they call systemic reforms. Also, the company has pledged to make an additional \$50-million donation to a foundation of diversity and promotional achievement.

The company also announced plans to attract more minorities to the workplace through a project of internship in partnership with the United Negro College Fund. As part of the program, Coke will employ 150 minority interns over the next four years. In addition to awards for accommodations and wages, interns will also be eligible for a \$10,000 scholarship.

Another important part of the settlement includes the formation of an outside seven-member task force that will observe and ensure compliance with the agreement. The self-governing group is mandated to oversee the changes in response to the settlement and provide independent oversight of diversity.

Reports of the settlement indicate that Coca-Cola's task force "shall have investigative, reporting and monitoring powers over human resources practices." Their findings will be published on the corporation's Web site annually. The company will be scrutinized until organizational transformation affects the entire corporate from top to bottom. The deal requires fundamental changes in human resource management practices.

The Coca-Cola Corporation's cash settlement surpassed that of Texaco by \$16.5 million.

Honourable senators, Coca-Cola is the world's leading manufacturer of carbonated soft drinks and, along with its subsidiaries, employs 31,000 people. Under its flagship, it

controls over 230 companies in nearly 200 countries around the world.

In 1999, Coca-Cola generated net operating revenues of more than \$19.8 billion, an increase of 5 per cent from 1998. The gross profit rose to \$6 billion from \$5.5 billion in the preceding year. In the nine months that ended September 30, 2000, Coke's net revenues exceeded U.S. \$15.5 billion.

How could a company of this magnitude with such geographic diversity adopt guidelines that allowed hierarchic suppression against particular ethnic groups? Why do major corporations institutionalize racism and for what purpose?

These questions will continue to be issues of discussion in the absence of better mechanisms that both detect and prevent discriminatory practices. The internal human resource operations of large corporations are often a mystery to the outside world. The only meaningful change toward equality that has come about in the past is through massive public boycotts and class-action lawsuits. In the *Texaco* case, it took the disclosure of secret tape recordings in which executives belittled Black employees and plotted the destruction of evidence. That is what brought about the settlement.

Coca-Cola's acceptance of such a huge settlement was not really a surprise. It had to settle for the good of its image in the marketplace. Discrimination theorists believe that firms that discriminate lose out in competition for sales to firms that do not. Here is what the pleadings disclosed:

Discrimination in employment at Coca-Cola prevents the company from tapping talent it needs to properly execute marketing strategies. African-American consumers are an extremely significant market for Coca-Cola. In 1999, according to the latest figures available, Coca-Cola sold an estimated 183 million cases of Coke Classic and an estimated 110 million cases of Sprite to African-Americans in the United States, approximately 25 per cent of the brand's total sales. Coca-Cola's marketing strategies include aggressive targeting of minority consumers for its products through specific advertising campaigns, public appearances, communities relations events, and promotions with *Essence Magazine*, *Soul Train* and others.

Discrimination will always be around if corporate leaders define groups on the basis of biased perceptions. A sociologist by the name of Gary Becker argued that people tend to have a "taste for discrimination" just as they do for fruits or fast cars. They are willing to satisfy that taste by any means.

We should not let our perceptions be dominated by the myth that racism is minimal in Canada. We should remember the words of Michelle Falardeau-Ramsay that racism is still here, more difficult to recognize but just as poisonous as ever.

In conclusion, honourable senators, the principal difficulty with the Coca-Cola settlement is that the company agreed to spend nearly U.S. \$200 million and the CEO, Douglas Daft, said Coke will be a company that leads the world in a diverse business structure in the 21st century, but none of the money is being used to fast-track competent Blacks to senior management. Blacks in the 200 countries where Coke does business will still only hover on the brink of power.

Coke will have a real problem until Blacks have real power. Real power comes from being in the senior executive roles. Coke should look at the example set by American Express.

Finally, what are the lessons Canadians can learn from this sad case? No matter how much White people want to protest that racism is dead and things are a lot better for us, discrimination in employment and performance evaluation exists in Canada in the same way that it does in the United States. We have concrete statistical and empirical evidence of deliberate attempts to prevent Blacks from advancement. My fear is that the corporate elite of Canada will not get the message until their company faces a \$100-million racial discrimination lawsuit. With the absence of coloured faces in senior management in virtually all major Canadian corporations, or visible minorities on the boards of directors of various corporations, there is no sensitizing or acknowledgement of their own systemic barriers. In business, the dollar talks louder than mere words, so perhaps Canadian CEOs who cannot see the diversity of Canada may be forced to open them if they are faced with a \$100-million lawsuit and have difficulty explaining that to their shareholders. Shareholder activism may be a way that diversity becomes a reality in senior management in Canada.

Honourable senators, expect to hear more from right-thinking shareholders or expect a major class-action lawsuit against one of our largest corporations.

The Hon. the Speaker: As no other honourable senator wishes to speak, this inquiry will be considered debated.

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES

ALLEGATIONS IN PRESS WITH REGARD TO MINISTER—INQUIRY

Hon. Pierre De Bané rose pursuant to notice of March 1, 2001:

That he will call the attention of the Senate to certain allegations made in the press against the Minister of Public Works and Government Services, the Honourable Alfonso L. Gagliano.

He said: Honourable senators, I rise to express my indignation relating to last week's malicious and unfounded attack on the

Minister of Public Works and Government Services, the Honourable Alfonso Gagliano.

I rise not only out of friendship for the minister, but primarily because, in 33 years of parliamentary life, I have not seen such skulduggery. There is not even a hint of prevarication here. This perfidious accusation by the paper *La Presse*, picked up by some of the members in the other place, is one of the finest illustrations of the very wise proverb to the effect that unfounded accusations are more indicative of the ignominy of the informer than upsetting to the integrity of the person at whom they are directed.

The most distressing part is as follows. As soon as the article appeared on Friday morning, Minister Gagliano refuted the underhanded insinuations of *La Presse*. Nevertheless, certain members in the other place took advantage of the minister's absence from the House, through the death of a family member, to plough on maliciously.

The facts, however, are eminently simple and are in no way controversial. They are perfectly clear and unambiguous.

[English]

In May of last year, a lady originally from Italy, whom the minister and his staff did not know, came to his riding office to inquire about the status of her immigration file. There is nothing surprising here. Being the only Italian-speaking MP in Montreal, hundreds of people from the greater Montreal area come to the minister's riding office for their immigration cases, or any other file that concerns them. The application of this lady as an investing immigrant had been accepted by the Quebec government, and she wished to inquire about the federal portion of her file.

[Translation]

Mr. Gagliano's assistant therefore followed the usual procedure and sent a fax to Client Services at Citizenship and Immigration Canada.

Honourable senators, I would point out that the fax was not sent to a specific person, but to a service of the department.

The message's single paragraph read "Simply to find out the status of the residence file."

How much more clearly could a person indicate that this document was merely a simple request for information without any form of support or reference?

[English]

The note continues with three questions. "Were the verifications made?" I insist on the question mark. "And the medical results?" Again, with a question mark. Finally, the last question: "Do you think that the visas will be given soon?" Again, with a question mark.

This note does not contain one single word of pressure to intervene in the decision. Moreover, the note was signed by the minister's riding office assistant. The note is quite plain and without a frill. It is identical to 40,000 such notes sent every year to Citizenship and Immigration Canada by MPs and senators from all parties.

[Translation]

Moreover, honourable senators, the minister tabled a copy of this memo in the other place.

One might, therefore, wonder about the motivation of journalists, who decided to write that the honourable minister had sent a personal letter — which is not at all the case — and to maliciously insinuate that he had exerted pressure.

Furthermore, the leader of the Bloc Québécois regretted the unjust accusations made by certain members of his party.

In this week's issue of *The Hill Times*, parliamentarians from various parties said that all parliamentarians must forward to the department requests for information from people who come to their riding offices.

Minister Gagliano recently said in the other place, and I quote:

It is not the first time that I have been the target of such underhanded attacks. Each time, an investigation was held and I was cleared of all allegations.

In our work as members of Parliament we cannot check in advance the background of all those who call on our staff to follow up on a federal issue. This means that we are all vulnerable. This is why my staff follows very strict procedures to serve the public diligently and effectively, without engaging in favouritism or discrimination. Still, given the behaviour of some opposition members and journalists, it is easy to say, as a well-known radio commentator pointed out this morning, "If my name were Lapierre or Arcand, this sort of thing would not happen."

It cannot be said any better, honourable senators. Also, because the accusation is false, as those who made it are only too well aware, the harm done is all the worse.

The Hon. the Speaker: If no other senator wishes to speak, I declare the debate on this inquiry closed.

[English]

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO STUDY OPPORTUNITIES TO EXPAND ECONOMIC DEVELOPMENT OF NATIONAL PARKS IN THE NORTH AND TO APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Thelma J. Chalifoux, pursuant to notice of February 22, 2001, moved:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report upon the opportunities to expand economic development, including tourism and employment, associated with national parks in Northern Canada, within the parameters of existing comprehensive land claim and associated agreements with Aboriginal Peoples and in accordance with the principles of the *National Parks Act*;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the Second Session of the Thirty-sixth Parliament be referred to the Committee; and

That the Committee submit its final report no later than September 28, 2001.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion? I believe Senator Robichaud has a question.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I should like to obtain a bit of information on the study in question. Is it a new study? Is it a special study? Had it already begun? Will it simply be continuing, and will it involve travel, thus leading to substantial expenditures that were not planned for?

[English]

Senator Chalifoux: Honourable senators, this is a continuation of a study that was begun in the last session of Parliament. Yes, it will be a task force. It is an important study. There are a number of reasons why it should be continued. They are looking for about 70,000 jobs within the Northwest Territories which will affect the communities surrounding the national parks. This will be a three-person task force. We want to limit the budget as much as we can and do the best job we can. It is a subcommittee from the Standing Senate Committee on Aboriginal Peoples.

[Translation]

Senator Robichaud: Honourable senators, Senator Chalifoux mentioned that the study was undertaken by a subcommittee. Did this subcommittee already exist?

[English]

Senator Chalifoux: Yes.

The Hon. the Speaker: Are honourable senators ready for the question? It is moved by the Honourable Senator Chalifoux, seconded by the Honourable Senator Rompkey, that the Standing Senate Committee on Aboriginal Peoples be authorized to examine the report upon the opportunity to say expand economic development —

An Hon. Senator: Dispense!

The Hon. The Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (2130)

PUBLIC SERVICE WHISTLE-BLOWING BILL

NATIONAL FINANCE COMMITTEE AUTHORIZED TO APPLY PAPERS AND EVIDENCE ON STUDY OF BILL DURING PREVIOUS SESSION TO STUDY OF CURRENT BILL

Hon. Lowell Murray, pursuant to notice of February 22, 2001, moved:

That the papers and evidence received and taken by the Standing Senate Committee on National Finance during its consideration of Bill S-13, Public Service Whistle-blowing Act, in the Second Session of the Thirty-sixth Parliament, be referred to the Committee for its present study of Bill S-6, Public Service Whistle-blowing Act.

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lorna Milne, pursuant to notice of March 1, 2001, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Lorna Milne, pursuant to notice of March 1, 2001, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

APPENDIX

TRADE MISSION TO CHINA

*(Response to question raised by Hon. Noël A. Kinsella on February 7, 2001)**(See p. 247.)*

ANSWER:

COMPANY LIST

COMPANY	FIRST NAME	SURNAME
A.R. Monteith Inc.	Janet	Lamb
Academy Canada	George	Simpson
Academy Canada	Michael	Barrett
Access Forum – Canada	Henry	Walker
Accutel.com	Joe	Balaz
ACDEG International Inc.	David	Fung
Acres International Limited	Oskar	Sigvaldason
AERDE Environmental Research	Dirk	Werle
Aga Khan Foundation Canada	Nazeer	Ladhani
AGF Management Ltd.	Dannie	Tong
Agri-Tec Canada Inc.	Paul	Westdal
Agriculture and Agri-Food Canada	Sally	Jorgensen
Air Canada	Douglas	Port
Air Canada	Carol	Hutchins
Air Canada	Michael	Tremblay
Air Canada	Jack	Wallis
Air Canada	Stephen	Markey
AKD International	Francis	Pang
Alberta Dragon Ltd.	Joseph	Hung
Alberta Economic Development	Barry	Mehr
Alberta Economic Development	Hazel	Cail
Alberta Economic Development	Gordon	Vincent
Alcan Asia Pacific Limited	Hing Choy	Mung
Alcatel Canada Inc.	Walter	Friesen
Alcatel Canada Inc. Transport Automation	Kevin	Fitzgerald
Alcatel Canada Inc. Transport Automation	Walter	Friesen
Alcatel Networks Corp.	Cecillia	Cheung
Algonquin and Lakeshore Catholic District School Board	Gregory	Cosgrove
All International Investments & Development Inc.	Courtland	Brewster
All International Investments & Development Inc.	David	Qi
AMR Technologies Inc.	Constantine	Karayannopoulos

AMR Technologies Inc.	Peter	Gundy
ApecTec Inc.	Barclay	Hambrook
Aquamed Canada Inc.	Diane	Padoin
Aquamed Canada Inc.	Paolo	Padoin
Asia Pacific Foundation of Canada	Yuen	Woo
Association of Canadian Community Colleges	Terry	Boyles
Association of Universities and Colleges of Canada	Sally	Brown
Atlantis Scientific Inc.	Isabell	MacRae
Atomic Energy of Canada Ltd.	Keith	Bradley
Atomic Energy of Canada Ltd.	Allen	Kilpatrick
Atomic Energy of Canada Ltd.	William	Hancox
Atomic Energy of Canada Ltd.	Louis	Nolet
ATS Automation Tooling Systems Inc.	Shawn	Qu
Aviation Strategies International	Pierre	Coutu
B.C. Trade & Investment Office	Deanna	Chan
B.C. Trade & Investment Office	Kevin	Regan
B.E.S.T. Investment Counsel Ltd.	John	Richardson
BAE-Newplan Group Ltd.	Bassem	Eid
Bank of Montreal	Albert	Poirier
Bank of Montreal	Peter	Wren
Bank of Montreal	Constance	Mak
Bank of Montreal	Maria	Gonzalez
Bank of Montreal	Neil	Tait
Bedarco Nooter Inc.	Peter	Bedard
Bendwell & Associés Inc.	André	Bendwell
Benol Corporation	Raphael	Benditkis
BERG Chilling Systems Inc.	Feng	Cai
BeSeen Consulting Ltd.	Rachel	Wang
BIT Integration Technology Inc.	Paul	Gallagher
Bitcasters	Nathon	Gunn
Blake, Cassels & Graydon	Gerald	Deyell
Blake, Cassels & Graydon	Robert	Kwauk
Bombardier Aerospace	Thomas	Appleton
Bombardier Inc.	Robert	Brown
Bombardier Inc.	Pierre	Pichette
Bombardier Inc.	Robert	Greenhill
Bombardier Transportation China	David	Penhorwood

Bombardier Transportation China	Serge	Bisson
Borden Ladner Gervais LLP	Amélia	Salehabadi
Boucher Brothers Lumber Ltd.	Normand	Boucher
Bradley Pacific Enterprises	Wendy	Yuan
British Columbia Centre for International Education	Ian	Andrews
British Columbia Institute of Technology	Anthony	Knowles
British Columbia Ministry of Employment & Investment	Charles	Kang
British Columbia Ministry of Employment & Investment	Christopher	Nelson
Brownstein & Brownstein Attorneys	Herbert	Brownstein
Business Council on National Issues	Thomas	d'Aquino
Business Development Bank of Canada	Michel	Vennat
Ca Fung Enterprises Ltd.	Norman	Ho
Ca Fung Enterprises Ltd.	Fred	Lee
Ca Fung Enterprises Ltd.	Jackie	Tse
CAE Inc.	Stephen	Wilson
CAE Inc.	Derek	Burney
CAE Inc.	Carman	Feng
Can-Achieve Consultants Ltd.	Alex	Li
Can-Achieve Consultants Ltd.	Joe	Kenney
Can-Achieve Consultants Ltd.	Dennis	Tanack
Can-Achieve Consultants Ltd.	Jim	Li
Can-China Strawboard Inc.	Wing-Yip	Man
Canada 3000 Airlines Limited	John	Chan
Canada Asia Holdings Inc.	Chih-Ton	Chan
Canada Cadavisa International Consulting Inc.	Changmin	Yan
Canada Centre for Remote Sensing	Ronald	Brown
Canada Centre for Remote Sensing	Marc	D'Iorio
Canada China Business Association	Johnson	Yu
Canada China Business Council	Alison	Winters
Canada China Business Council	Ariana	Bradford
Canada China Business Council	Jack	Austin
Canada Control Equipment Inc.	Fengshan	Qi
Canada Fei Cui International Industrial Group Ltd.	Flora	Kwan
Canada Fei Cui International Industrial Group Ltd.	Saree	Tangsrissaree
Canada Livestock Services Ltd.	Sydney	Palmer
Canada Pork International	Bill	Vaags
Canada Post Corporation	Patricia	Nesbitt

Canada Post Corporation	Pierrette	Ringuette-Maltais
Canada's Royal Winnipeg Ballet	Tara	Birtwhistle
Canadian Agritech Dev. Corp.	Fred	Eden
Canadian Association of Prawn Producers	John	Angel
Canadian Commercial Corporation	Douglas	Patriquin
Canadian Development and Marketing Corporation	Mohammad K.	Al Zaibak
Canadian Foundation Centre for International Education	Sam	Rong
Canadian Grain Commission	Douglas	Stow
Canadian Iceberg Vodka Corporation	Gary	Pollack
Canadian International Development Agency	Janet	Zukowsky
Canadian International Development Agency	Douglas	Henderson
Canadian International Legal Services	Jenny	Weng
Canadian National Railway Company	David	McLean
Canadian Overseas Holdings Inc.	Ning	Bai
Canadian Pacific Railway	Willy	Wang
Canadian Red Cross Society	Pierre	Duplessis
Canadian Red Cross Society	Kai	Tao
Canadian Red Cross Society	Yunhong	Zhang
Canadian Space Agency	Bjarni	Tryggvason
Canadian Space Agency	Philip	Price
Canadian Space Agency	Colleen	deBont
Canadian Space Agency	Stéphane	Lessard
Canadian Space Agency	Mac	Evans
Canadian Wheat Board	Haiguang	Shi
Canadian Wheat Board	Bill	Spafford
Canadian Wheat Board	Greg	Arason
CanAsia Enterprises Ltd.	Richard	Walker
Canatal International Inc.	Otto	Poon
Canatal International Inc.	Peter	Vanderplaat
Canatal International Inc.	Tom	Kilmer
Canbreal Therodiagnostics International Inc.	Gabriel	Pulido-Cejudo
Cantronic Systems Inc.	James	Zahn
Capilano College	Mitra	Kiamanesh
Capilano College	Allen	Zhu
Capilano College	Cyrus	Kanga
Carleton Productions International	Andrew	Ormsby
Carleton Productions International	Mark	Ross

Carleton Productions International	Anne	Johnston
Catherine A. Sas Immigration Centre	Catherine	Sas
Cavendish Analytical Laboratory Ltd.	Wade	Reeves
CBL Data Recovery Technologies Inc.	Tim	Margeson
CDM Information Inc.	Mohammad	Al Zaibak
CEC Network	Rodney	Briggs
CECA International Trade Inc.	Ping	Li
CECA International Trade Inc.	Glenn	Wilhide
Centrinity Inc.	Charles	Ivey
Certified General Accountants Association of Canada	Bruce	Hryciuk
Certified General Accountants Association of Canada	Guy	Legault
CHAI-NA-TA Corp.	William	Zen
Chan-Yond Consultant Ltd.	Martin	Chen
China Broadband Corp.	Daming	Yang
China Broadband Corp.	Matthew	Heysel
China Xin Network	Raymond	Boisvert
Chinese Interpreters & Translation Services	Tony	Luk
CIBC Wood Gundy Inc.	Hugh	Alcorn
CIBC World Markets Inc.	Donald	Lindsay
CIBC World Markets Inc.	Peter	Tulloch
CIBC World Markets Inc.	Christopher	Blackwell
Cirque du Soleil	Gaétan	Morency
Cirque du Soleil	Paul	Laporte
Cirque du Soleil	Eric	Bick
Cirque du Soleil	Rachel	Laperrière
Citibank Canada	John K.	Kwong
City of Woodstock	John	Geoghegan
Clearwater Fine Foods Inc.	Peter	Matthews
Click2Net Inc.	Jeff	Lancaster
Click2Net Inc.	Adam	Simpson
CMHC	Jean-François	Martin
CML Global Capital Ltd.	Eric	Kong
CNPC-Alberta Petroleum Centre	Angelo	Zia
Cognac 2253320 Corporation	Yun	Ng
Coincard International Inc.	Brian	Doyle
Collège de Rosemont	Réginald	Lavertu
Columbia International College of Canada	Pauline	Kan

Com Dev International	Richard	Kolacz
Concordia University	Marcel	Danis
Concordia University	Martin	Singer
Concordia University	Frederick	Lowy
Concordia University, John Molson School of Business	Mohsen	Anvari
Conestoga College of Applied Arts & Technolgy	John	Tibbits
Continental Marble Industries Ltd.	Lorne	Janes
Coopérative Fédérée De Québec	Pierre	Gauvreau
Coril Holdings Ltd.	Ronald	Mannix
Corma Inc.	Manfred	Lupke
Corma Inc.	Jianming	Ding
Corporation Canaccord Capital	Natalie	Marleau
Corporation Canaccord Capital	Renaud	Bergeron
Corporation Waskahegen	Gilles	Bérubé
Cosem Neurostim Ltd.	Alain	Philibert
Council of Canada China Entrepreneurs and Professionals	Sai	Wan
Cyberteks Design	Deepal	Peiris
Cyberteks Design	Keith	Peiris
D.D. Huang & Associates	Dongdong	Huang
Dalhousie University	Lynn	McIntyre
Davies, Ward, Phillips and Vineberg	Canice	Chan
Davies, Ward, Phillips and Vineberg	Douglas	Robertson
Davies, Ward, Phillips and Vineberg	Howard	Jiang
DC Canada International (DCCI) Corp	George	Liu
Department of Foreign Affairs and International Trade	David	Adams
Department of Foreign Affairs and International Trade	David	Clendenning
Department of Foreign Affairs and International Trade	Brigitte	Léger
Descartes Systems Group Inc.	Thomas	Sandor
Dessau Soprin Inc.	Jean-Pierre	Sauriol
Deton'Cho Corporation	Darrell	Beaulieu
DFS & Smith Carter	Michael	Start
DFS & Smith Carter	David	Simpson
DI Multimedia Corp.	Steve	Low
Dickson Hall & Associates	Dickson	Hall
Digital Accelerator Corp.	Nick	Ringma
Digital Accelerator Corp.	Meng	Wang
Dipont Consultants Ltd.	David	Luo

Diversinet Corporation	Nagy	Moustafa
DMR Consulting Inc.	Jean-Marc	Proulx
DragonKing Global Solutions Inc.	David	Wang
Dynamic Pacific Enterprises Corp.	Brian	Hui
E & P Trading Ltd.	Yongping	Xu
EAA Enterprises Limited	Jeannie	Cheng
Earth Tech (Canada) Inc.	John	Herbert
Eastern Charlotte Waterways Inc.	Susan	Farquharson
Eastern Restoration Center	Cecilia	Yumin
Eicon Networks	Nelson	Poon
Elk Island Public Schools	Karuna	Ausman
Elk Island Public Schools	Robert	McPhee
EMS Technologies Ltd	David	Warne
EMS Technologies Ltd	Donald	Osborne
Encanes International Development Corp.	Cheng	Chang
Energy Contact Inc.	Armand	Chalifour
Enghouse Systems Limited	Andrew	Nellestyn
Entrust Technologies Inc.	Zhengyu	Liu
Entrust Technologies Inc.	Pamela	Jones
Entrust Technologies Inc.	Brian	O'Higgins
Entrust Technologies Inc.	Jessica	Zhu
Environment Canada, Pacific & Yukon Region	Don	Fast
Ernst & Young	Gordon	Fear
Export Development Corporation	June	Domokos
Export Development Corporation	Ronald	Dahms
Export Development Corporation	Alison	Nankivell
Export Development Corporation	Rob	Simmons
Family Tradition Foods Incorporated	John	Omstead
Fidelity Financial International Inc.	John	Ryan
First Nat Consulting and Export Corp.	George	Du
Fogo Island Co-Operative Society Limited	Cecil	Godwin
Forintek Canada Corporation	Ian	De La Roche
Four Square Productions Canada	Gerald	Sperling
Fred Campbell Consulting	Fred	Campbell
FRI Corporation	Eligio	Gaudio
Friede Goldman Newfoundland Limited	Miguel	Pazos
GAO Research Inc.	Frank	Gao

Gardiner, Miller, Arnold	Gerald	Miller
Gardiner, Miller, Arnold	Tony	Wang
GE Hydro	Ernest	Sinyor
GECom Canadian Holdings Corporation	Frank	Tan
George Kelk Corporation	Peter	Kelk
Global Thinkers Inc.	Michael	Quinn
Golden Dragon Energy Ltd.	Stuart	Squires
Golden Dragon Energy Ltd.	Douglas	Miller
Government of Newfoundland and Labrador	Bob	Norman
Government of Newfoundland and Labrador	Harry	Bishop
Government of Yukon	Danny	Cheng
Great Earth Architects	Zheng	Lin
Groupe ADF Group inc.	Nansen	Cheng
Groupe Alexis Nihon	Paul	Massicotte
Groupe Everest	Jean-Pierre	Toupin
GrowthWorks Capital Ltd.	David	Levi
Haber & Associates	Christopher	Haber
Harris Corporation	Robert	Bolduc
Harris Corporation	Ronald	Chow
Harris Corporation	Carleton	Smith
HATCH	Adam	Majorkiewicz
HATCH	Tinsle	Wang
HATCH	Chuan	Jiang
Hatfield Consultants Ltd.	Thomas	Boivin
Healthcare Technology Service	Sylvia	Morawetz
Henry Global Consulting Services Ltd.	Henry	Zou
Hfu Film (Canada) Ltd.	Keyen	Huangpu
Holland College	Jolene	Chan
Holland College	Keith	Dewar
Hotway Biochemicals Canada Co. Ltd.	Yunxiang	Li
HSBC Bank Canada	J. Lindsay	Gordon
Humber College of Applied Arts & Technology	Richard	Hook
Humber College of Applied Arts & Technology	William	Ngaw
Husky Injection Molding Systems Ltd.	Marcus	Sutch
HydroNov Inc.	Luc	Desrochers
IBI Group	R.A.	McNally
INCO Limited	David	Luo

INCO Limited	Peter	Goudie
Industry Canada	Keith	Chang
Innovative Board Technologies	Adrian	Kuypers
Institut Rosell Inc.	Patrice	Malard
Institut Rosell Inc.	Dupuis	Angers
Inter-Citic Mineral Technologies Inc.	James	Moore
Inter-Transport Ltd.	Tony	Altomare
International Education Alliance Inc.	Connie	Chan
International Science and Technology Development Centre	Robert	Zhao
Internet Incubation.com Inc.	Abe	Schwartz
Internet Incubation.com Inc.	Stephen	Lautens
IntraCoastal System Engineering	Vid	Wadhwani
Investex S.A. Inc.	George	Yui
Investissement Québec	Louis	Roquet
Investissement Québec	Louis	Lavigne
Investissement Québec	Lucia	Baldino
Investment Partnerships Canada	Rocco	Delvecchio
J&P Star Management Consulting Group Inc.	Charles	Qi
J.D. Irving Limited	John	Irving
J.P. Environmental Products	James	Haller
Jie Li International Environmental Technologies Group Ltd.	Jerymy	Brownridge
Joe Ng Engineering Ltd.	Joe	Ng
Joe Ng Engineering Ltd.	Mario	Cuconato
Junior Team Canada	Alexandre	Lafleur
Junior Team Canada	Andrea	Wang
Justice Institute of British Columbia	John	McGee
KelsanTechnologies Corp.	Patrick	Rooney
Kentrex Enterprises Ltd.	Demas	Kim
Kiu Shun Trading Co. Ltd	Albert	Fok
Kryton International Inc.	Ron	Yuers
Kurtz Produce Inc.	Bradley	Kurtz
L&L Food Ltd.	Richard	Lam
Labcal Technologies Inc.	Carl	Boudreau
Langley School District No. 35	Eugene	MacDonald
Lingo Media	Michael	Kraft
Listel Canada Ltd.	Tao	Zhou
Lockerbie Stanley Inc.	Robert	Pitour

Loewen Phoenix Company	Howard	Loewen
Logic Tax Ltd.	Tony	Wa
Longway Supernet International Inc.	Jianfei	Ouyang
Lu Chan, Barrister and Solicitor	Lu	Chan
MacDonald Dettwiler and Associates Ltd.	Steve	Kirchgessner
Macro Engineering & Technology Inc.	Weiguang (Steven)	Shi
Macro Engineering & Technology Inc.	Herbert	Lam
Man Cheong International Ltd.	Bill	Lo
Manitoba Trade and Investment Corp.	Richard	Walker
Manulife Financial	Victor	Apps
Manulife Financial	Raymond	Chan
Manulife Financial	Dominic	D'Alessandro
Manulife Financial	Edward	Lau
Manulife Financial	Marc	Sterling
McCain Foods Asia Pacific	Basil	Hargrove
McDonald International Technology Centre Inc.	Norman	Lee
McGill Centre for International Management Studies	Sylvain	St-Amand
McGill University	Bernard	Shapiro
McKnight and Associates	Bill	McKnight
McKnight and Associates	Rick	Logan
McKnight and Associates	Quan	Zhu
McMaster University	Luke	Chan
Meridian Technologies Inc.	Mark	Tucker
Meridian Technologies Inc.	John	Berkmortel
Meridian Technologies Inc.	Tony	Walsh
Millennium Technology Inc.	Illich	Cheng
Minco Mining & Metals Corporation	Ken	Cai
Ministère de l'Industrie et du Commerce	Jean	Pronovost
Ministère de l'Industrie et du Commerce	Darlene	Lenden
Ministère de l'Industrie et du Commerce	Francine	Arès
Ministère de l'Industrie et du Commerce	Suzanne	Ethier
Ministère des Relations Internationales, Gouvernement du Québec	Michel	Robitaille
Ministry of Econ Development and Trade, Trade Development Division	Len	Crispino
Morgen & Kevin Canadian Immigration	Charlie	Chun Huang
Motry International Inc.	Peter	Zhang
Mount Royal College	Thomas	Wood
Mount Royal College	Judith	Eifert

Mount Royal College	Donna	Spaulding
Mount Saint Vincent University	Judith	Woodsworth
Mundoro Mining Inc.	Colin	McAleenan
National Optics Institute	Jean-Guy	Paquet
National Research Council Canada	Walter	Pickering
National Research Council Canada	Bruce	Pridmore
National Research Council Canada	Maureen	Wong
Natural Resources Canada	Irwin	Itzkovitch
Natural Resources Canada	Peter	Harrison
Natural Resources Canada	Martin	Walters
Netbility Corporation	Dennis	Periard
New Brunswick Department of Investment & Exports	William	Thompson
Newfield Seeds Company Ltd.	Janet	Stoner
Newfield Seeds Company Ltd.	John	Doege
Newfound Resources Limited	Brian	McNamara
Newfoundland Department of Industry, Trade & Technology	Keith	Healy
NewQuest Capital Corporation	Robert	McDowell
Niagara College	Dan	Patterson
Nienkamper Furniture and Accessories Inc.	Klaus	Nienkamper
Niko Resources Ltd.	Robert	Ohlson
Noetix Research Inc.	Tom	Hirose
Norampac Inc.	Marc-André	Dépin
Nortel Networks Ltd.	Robert	Mao
Nortel Networks Ltd.	Yardley	Lazovsky
Nortel Networks Ltd.	Stephen	Tsui
North America Steamships Ltd.	James	Tang
North America Steamships Ltd.	Cecilia	Tang
North American Overseas Consultant Ltd.	Hongbin	Xu
Northern Alberta Institute of Technology (NAIT)	Sam	Shaw
Northstar Trade Finance Inc.	Scott	Shepherd
Nova Pole International Inc.	Sandra	Atkins
Novel Energy (North America) Ltd.	Pa	Wong
NRCan/CANMET	Yvan	Roy
Oceanic Consulting Corp.	Dan	Walker
Ontario Exports Inc.	Valerie	Fountain
Ontario Exports Inc.	Yijun	Song
Ontario Superbuild Corporation	David	Lindsay

Ouellet Canada	Raymond	Beaulieu
Ouellet Canada	Robert	Beaulieu
Ouellet Canada	Benson	Han
Pacific Rim Endangered Species Centre	Ken	Macquisten
Pan Pacific Design and Development Group Ltd.	Hongwei	Zhang
Parker Knox Consultants Inc.	Parker	Knox
Partition Components Asia	Carl	Aass
PCI Geomatics Group	Robert	Moses
PCI Geomatics Group	Lise	Laflamme
PCI Geomatics Group	Trevor	Taylor
Pearson Pacific (Canada) Ltd.	Michael	Chen
Phillip's Sharkskin Co. Ltd.	Phillip	Yang
PIC Canada	Les	Cain
Placer Dome Inc.	Ian	Austin
PlanPlus Inc.	Shawn	Brayman
Positron Inc.	Jose-Luis	Menghini
Pourslo International Development Inc.	Mohammed	Lakhmiri
Power Corporation of Canada	André	Desmarais
Power Corporation of Canada	Peter	Kruyt
Power Corporation of Canada	Henry	Liu
Power Corporation of Canada	Luc	Reny
Power Corporation of Canada	Victor	Yang
Power Corporation of Canada	Dele	Liu
Power Corporation of Canada	Hua	Yu
Power Corporation of Canada	Jean-Guy	Gourdeau
Power Pacific Corporation Ltd.	Charles	Shiu
Pratt & Whitney Canada Inc	Robert	Wu
Pratt & Whitney Canada Inc	Joseph	Torchetti
PricewaterhouseCoopers LLP	Michael	Gourley
Primex Forest Products Limited	Shaun	Sullivan
Professional Institute of Applied Technology	Rojean	Williams
Promithian Inc.	Philip	Wheulton
Provest Management (1984) Corp.	John	Wanamaker
Provincial Studios Ltd.	Greg	Penney
Pulse Canada	Les	Rankin
QGI Institute of Information Technology	Guang	Qi
QWEB	Jacques	Robitaille

R & F Hi-Tech Development Co. Ltd.	Zhang	Li
Radarsat International Inc.	Ron	Martin
Raymond Chabot Grant Thornton	Clément	Joly
RCI Capital Group Inc.	John	Park
RCI Capital Group Inc.	Allen	Li
RCI Capital Group Inc.	Yangzhou	Hu
Regional Municipality of Niagara	Debbie	Zimmerman
Renaissance Capital Inc.	Sylvain	Payette
Rieder Hymmen & Lobban Inc. Architects	Malcom	Lobban
Royal Roads University	Tom	Austin
S.M. Group International Inc.	Guangji	Zhu
Saint Mary's University	Gabrielle	Morrison
Saskatchewan Trade and Export Partnership	John	Treleaven
Saskatchewan Trade and Export Partnership	Tim	Marshall
Science Council of British Columbia	Monty	Little
Seneca College of Applied Arts & Technology	Wayne	Norrison
Seneca College of Applied Arts & Technology	Nick	Huang
Shade-O-Matic Ltd.	Norbert	Marocco
Shenglin Financial Inc.	Shenglin	Xian
Sierra Tech Homes Ltd.	Wayne	Dalgleish
Simon Fraser University	David	Mitchell
Simon Fraser University	Colin	Jones
SinoCann Environmental Centre Ltd.	Goodrich	Ho
SinoProjects.com	Henry	Wang
SLCC Consultants Corp.	George	Lian
Smart Seed Fund	Alnoor	Kassam
SNC – Lavalin Inc.	Robert	Tribe
SNC-Lavalin (China) Engineering Inc.	Cheng Chun	Li
SNC-Lavalin (China) Engineering Inc.	Lujiang	Fan
SNC-Lavalin (China) Engineering Inc.	Jianmin	Ke
SNC-Lavalin (China) Engineering Inc.	John	Shou
SNC-Lavalin (China) Engineering Inc.	Rod	Scriban
SNC-Lavalin Capital Inc.	Esther	Tse
SNC-Lavalin ECS Inc.	Sheldon	Xie
SNC-Lavalin Inc.	Parveen	Khan
SNC-Lavalin International	Mark	Osterman
SNC-Lavalin International Inc.	Michael	Novak

Société de développement économique de Drummondville	Martin	Dupont
Soo Singapore Jerky Ltd.	Philip	Wong
SR Telecom Inc.	Garry	Forbes
St-Pierre Internationale Inc.	Brian	Wang
St. Francis Xavier University	Sean	Riley
STW Holdings (Canada) Consultants Inc.	J. Charlie	Wang
Sun Life Financial Services	Qianqian	Dong
Sun Life Financial Services	Michel	Leduc
Sun Life Financial Services	Timothy	Chen
Sun Life Financial Services	Janet	De Silva
Sun Life Financial Services	Douglas	Henck
Sun Life Financial Services	Dikran	Ohannessian
Sunwing Energy Ltd.	Patrick	Chua
Sunwing Energy Ltd.	Gerald	Moench
Sunwing Energy Ltd.	David	Martin
Sunwing Energy Ltd.	Robert	Friedland
Synnovate International Inc.	Christopher	Zee
T.E.S.T. College International	Joyce	Chang
T.E.S.T. College International	Frank Xun fan	Jiang
T.Z.F. International Herbs Investment Inc.	Sonny	Chen
T.Z.F. International Herbs Investment Inc.	Amelia	Gao
Tanbec inc.	Bernard	Guimont
Technical University of BC	Bernard	Sheehan
Technologies DOZ inc.	Alain	Moreau
Technologies Nter Inc.	Simon	Brodeur
TechWok.com	Raj	Rama
Teck Corporation	Fred	Daley
Teck Corporation	Alex	Christopher
Teilhard Technologies	Terry	Mitchell
Telefilm Canada	François	Macerola
Teshmont Consultants Inc.	David	Stregger
Tessag-KSH Ltd.	Alan	Curleigh
The Bank of Nova Scotia	Patrick	Rooney
The Brick Warehouse Corporation	Jeffrey	Silver
The GEM Group	Doug	Mitchell
The Lotus Group	George	Chen
The Ontario Flue-Cured Tobacco Growers' Marketing Board	Ted	Raytrowsky

The Ontario Flue-Cured Tobacco Growers' Marketing Board	George	Gilvesy
The Ontario Flue-Cured Tobacco Growers' Marketing Board	Frank	Menich
The Personnel Department	Leslie	Meingast
Thermo Black Clawson Canada Ltd	Ed	Siedlak
Toronto 2008 Bid Committee	Bob	Richardson
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Underwater Harvesters Association	James	Austin
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Western Economic Diversification of Canada	Doug	Maley
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Wildfire Fire Equipment Inc.	James	White
Wilkins Chan Engineering Ltd.	Norman	Koo
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Woodchem Canada Ltd.	Joël	Decorte
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Yukon College	Sally	Adams Webber
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1st SESSION

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37th PARLIAMENT

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VOLUME 139

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NUMBER 14

OFFICIAL REPORT
(HANSARD)

Tuesday, March 13, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, March 13, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Dr. Yves Morin, M.D., O.C.
Elizabeth M. (Libbe) Hubley
Jim Tunney

INTRODUCTION

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented their Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Yves Morin of Quebec City, Quebec, introduced between Hon. Sharon Carstairs and Hon. Lise Bacon.

Hon. Elizabeth M. (Libbe) Hubley, of Kensington, Prince Edward Island, introduced between Hon. Sharon Carstairs and Hon. Catherine Callbeck.

Hon. Jim Tunney, of Grafton, Ontario, introduced between Hon. Sharon Carstairs and Hon. Isobel Finnerty.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

• (1420)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is my great honour today to welcome three new senators to sit with us here in the chamber. As I introduce our honourable colleagues to you, I ask that you extend the same warm welcome to them that you have to all new colleagues in the past.

[Translation]

I would like to welcome our new colleague, Dr. Yves Morin, to the Senate.

[English]

We are truly honoured today to have such a distinguished colleague in our midst. Dr. Morin's appointment to the Senate is the latest position in a long and remarkable career in scientific research. He has also contributed a great deal to medical education in Canada.

[Translation]

Dr. Morin is an internationally renowned researcher in internal medicine and cardiology. He earned a B.A. and a M.D. — both *Magna Cum Laude* — from Laval University and has published more than 300 scientific articles. Dr. Morin has filled numerous distinguished medical posts, mainly in Quebec. He has served as Chairman of the Department of Medicine and Dean of the Faculty of Medicine at Laval University, Director of the Institut de Cardiologie de Québec, Chief of Cardiology at the Centre Hospitalier Universitaire de Québec, President of the Conseil de recherches médicales du Québec and Vice-President of the Medical Research Council of Canada.

[English]

For his many accomplishments and contributions to medical and scientific endeavours, Dr. Morin became an officer of the Order of Canada in 1991. Dr. Morin was also made an officer of the National Order of Quebec and was honoured by France when he became a Chevalier, Ordre National du Mérite.

[Translation]

As Leader of the Government in the Senate, I welcome you to the Senate, Dr. Morin. I do not doubt for one moment that your exceptional accomplishments will make a valuable contribution to your Senate colleagues and to the work of this chamber.

[English]

I also welcome today to the Senate the Honourable Elizabeth Hubley. Senator Hubley was first elected to office in Prince Edward Island in 1989. As a member of the Prince Edward Island Legislative Assembly she served the constituency of Fourth Prince. After regaining her seat as MLA, she was appointed to the position of deputy speaker of the legislature. Senator Hubley was an active member on many standing committees, including economic development and tourism, health and social services, fisheries and aquaculture, and agriculture.

[Translation]

Senator Hubley has long been involved in the Prince Edward Island cultural community. She founded the Stepping Out Studio, a traditional Island dance studio, and is its artistic director. She has also held a number of other positions in the cultural community of P.E.I.

[English]

Senator Hubley has been a member of the P.E.I. Council of the Arts, coordinator of Traditional Island Dance Forms, Tanzfest, president of the P.E.I. Fiddler Society, president to the Kensington Cultural Foundation, and concert series coordinator of the Prince County Fiddlers and Lady Slipper Step Dancers.

Senator Hubley has lived not only in Prince Edward Island but also in other provinces, including Alberta, Quebec and Nova Scotia. Senator Hubley's experience as a member of the Legislative Assembly, her background in our unique Canadian culture and her understanding of our provincial and regional diversity are inimitable assets to our work here in the Senate. On behalf of all my colleagues, I welcome you here today, Senator Hubley.

Honourable senators, the Honourable Jim Tunney was appointed to the Senate because of his extensive background and experience in agriculture in the province of Ontario. He is the fourth generation of farmers from Northumberland County, and has worked on his own family dairy farm for 30 years. He has also represented other farmers and agricultural issues in international discussions. His knowledge of the agricultural and dairy industry in Canada and experiences abroad will be beneficial to the Senate and to fellow senators.

[Translation]

Senator Tunney was a director of the Dairy Farmers of Canada for 18 years and of the Dairy Bureau of Canada for 8 years. He was also a director of the Ontario Milk Marketing Board, representing farmers in six counties including his native Northumberland County.

[English]

Senator Tunney shared his experience in our Canadian agriculture industry with Russia and Ukraine, where he worked as a consultant for five years. He assisted with the establishment and operations of farm marketing and production boards. He also became guest lecturer at the Kharkov Dairy Agricultural College.

Senator Tunney has also held a position as trustee with the Peterborough, Victoria, Northumberland and Clarington Separate School Boards.

Honourable senators are looking forward to working with you, Senator Hubley, Senator Morin and Senator Tunney. We encourage you to make our acquaintance and not to be reluctant to play an active role or to share your knowledge with us. We are confident that your collective expertise and experience will prove to be great assets in this chamber.

[Senator Carstairs]

Hon. John Lynch-Staunton (Leader of the Opposition)

Honourable senators, I am pleased to join with the Leader of the Government in welcoming our three new colleagues.

[Translation]

Dr. Morin's appointment will bring with it a wealth of knowledge and experience that will certainly be useful to us at a time when the debate on health is in the forefront. The Senate has benefited from the presence of a number of medical greats including the late Paul David and our colleague Wilbert J. Keor. I am sure that we will also benefit from Senator Morin's vast store of knowledge in this field.

[English]

With Senator Hubley's arrival, we now count two recent members of the P.E.I. Legislative Assembly amongst us, and not the least prominent either. The Senate, first and foremost, it must be remembered, despite the criticism aimed at it usually by those who deliberately remain ignorant of its work, is an essential part of the parliamentary process whose major responsibility is the evaluation of government legislation. Senator Hubley's experience as an active MLA will be of great value to the Senate. By the way, her knowledge of the dance will be of particular value to her as she joins what I have been told on good authority can occasionally be a heavy-footed caucus.

Canadian agriculture is now going through its worst period since the Depression, so that the appointment of another member with direct knowledge of that industry is both as timely as it is welcome. If there is one issue where partisanship has no place, it is in the plight of many farmers who are faced with rising costs and low commodity prices. Senator Tunney is identified as a credible voice for farmers, and I trust it will be heard loud and clear.

To our three new colleagues, welcome to the Senate.

[Translation]

My very best wishes for success.

[English]

SENATORS' STATEMENTS

JUSTICE

EXTRADITION OF CRIMINALS FACING DEATH PENALTY IN COUNTRY WHERE CRIME WAS COMMITTED

Hon. Serge Joyal: Honourable senators, last Friday a letter was released from Mr. Norm Maleng, the state prosecutor in King County, Washington State, to the U.S. Justice Department. This letter confirmed that the state prosecutor was giving assurances that Canadian citizens Burns and Rafay will not face capital punishment if they are found guilty in the United States of the murders of Mr. Rafay's parents and sister.

This commitment was requested by the Attorney General of Canada following the unanimous decision on February 15 of the Supreme Court of Canada. The court's ruling established that section 7 of the Canadian Charter of Rights and Freedoms guarantees the principle of "the right to life, liberty and security of the person" over any other discretionary authority or limitations.

The decision of the Washington State prosecutor puts an end to the fear expressed in this chamber that Canada would become a "safe haven" for criminals. It was repeated many times during our debate on Bill C-40 that a refusal to extradite criminals facing the death penalty would allow them to escape prosecution altogether by fleeing to Canada.

It was argued that maintaining that these assurances would always be given "was a bit naive." However, the letter of prosecutor Maleng demonstrates once again that such assurances are forthcoming. Prosecutor Maleng's letter states, in part, the following:

I am personally troubled by the idea that a foreign government can restrict the application of our state law for a crime that occurred within our borders.

However, I also have an interest in seeing these men brought to justice and in achieving finality in this tragic case.

Honourable senators, this is, in fact, the heart of the issue.

Confronted with the prospect that alleged criminals could avoid prosecution, Crown prosecutors, who are foremost servants of the interests of justice, will always take whatever steps are necessary, first, to bring the accused to trial, second, to obtain their conviction and, third, to impose on them an adequate sentence, even if this means forgoing the imposition of the death penalty. In other words, the interests of justice will take precedence over the mere choice of punishment.

The Supreme Court of Canada was right in its unanimous judgment, which stated, in part, the following:

Whether fugitives are returned to a foreign country to face the death penalty or to face eventual death in prison from natural causes, they are equally prevented from using Canada as a "safe haven."

Honourable senators, I am of the deep conviction that section 44 of Bill C-40 should be amended to impose on the Minister of Justice of Canada the inescapable obligation to seek assurances of the respect for the inalienable principle of the sanctity of life.

[Translation]

CANADIAN HUMAN RIGHTS COMMISSION

SPECIAL REPORT ON PAY EQUITY

Hon. Lucie Pépin: Honourable senators, as Senator Erminie Cohen did it so well on February 20, I rise to speak to you about the special report on pay equity by the Canadian Human Rights Commission entitled "Time for Action." This report, which is an assessment of the statutory measures taken on the matter over the past nearly 20 years, deserves our careful attention.

This report enables us to take a better look at the thorny issue of pay equity, and it proposes interesting avenues for exploration in the effort to eliminate this discrimination, which flies in the face of the equality and dignity of Canadians.

We learn in the report that, despite the existence of a whole range of statutory instruments intended to close the salary gap separating women and their male colleagues, we are not out of the woods yet. In terms of the various forms of discrimination, we are truly at an impasse. There is no way around this fact.

According to the conclusions of the report, the problem arises from the existing system. The approach of the system is based primarily on the lodging of complaints. This system is a major difficulty and has shown its limits. There are a number of reasons for its shortcomings. Allow me to set out a few.

Complaints are not appropriate in fighting subtle and at times intentional discrimination. Cases of complaints drag on, and years may go by before the courts reach a final decision. The complaint lodged by Bell employees in 1988 is fairly indicative of this problem. After 12 years, innumerable ups and downs and legal battles, no decision or judgment has yet been given.

The lack of clarity of certain standards and concepts included in provisions of the act also create difficulties.

The Human Rights Commission suggests that the legislation be updated. This seems perfectly legitimate to me, since federal provisions have not been reviewed since 1977. It is time for a review, and I hope the government will act quickly.

The Commission suggests that a proactive model be created, based not on the lodging of complaints but on better established criteria, in order to correct the system's problems. To do this, there must be an independent body to implement the legislative provisions, greater involvement of employees and the unions in the process of establishing pay equity and, finally, education and training for the various parties involved.

If all these conditions are met, we will then be able to say that there is no more room for discrimination in our fine country and we will finally be able to speak of "equal pay for work of equal value."

[English]

SUMMIT OF THE AMERICAS

FAIRNESS TO GUESTS AND PROTESTORS

Hon. Lois M. Wilson: Honourable senators, I speak both as a senator and a Vice-President of the Canadian Civil Liberties Association. At a recent meeting of the association, a concern surfaced regarding the plans that the federal and Quebec governments are making for the Summit of the Americas slated to occur this April. According to press reports, this will be "one of the largest security operations in Canadian history."

I understand some of what lies behind government planning, in view of the history of previous trade conferences, as among the protesters there were some whose agenda apparently included resort to violence. The Canadian government, therefore, has taken precautionary measures.

The Canadian Civil Liberties Association, however, asked its general counsel, Alan Borovoy, to write a letter to the Solicitor General of Canada, making the following points, with which I concur. For your information, I quote parts of that letter.

Just as it is important to ensure the security of the Summit, it is no less important to protect the viability of the protests. In certain cases, the protesters were kept so far from the conference that they could not effectively communicate. Protesters must be sufficiently close to convey ethical disapprobation, and that Summit participants are able both to see and hear some of the protest point of view. That is, demonstrators must have a reasonable opportunity to convey political and social censure on conference participants.

We of the Civil Liberties Association hope, therefore, that at your earliest convenience, you will make public how the authorities plan to protect the community and the conference participants from the possibility of violent protest, AND simultaneously ensure the integrity of non-violent protest.

It will also be important for the government to assure the public that there will be no more arrests than are reasonably required by the need to enforce the law and protect the community. It would be helpful for the government to distribute the attending RCMP officers a series of guidelines that would remind them of legal restrictions, and assure the public that duties will be carried out according to law. We ask that such guidelines be made public.

We are hopeful then, that the government may strike that delicate balance that this occasion requires. We like to think

that Canada will model how a democracy can exercise hospitality to those it welcomes at the conference table AND to those who protest in the streets. Fairness to BOTH must be our working goal.

Honourable senators should know that the Canadian Civil Liberties Association has requested an early response.

ALBERTA

MORINVILLE—THIRD ANNUAL SENATORS BALL

Hon. Thelma J. Chalifoux: Honourable senators, it gives me great pleasure today to announce the Third Annual Senators Ball to be held in Morinville, Alberta, April 7, 2001.

This year, the celebration is a very special one. Morinville has become a military town, as the major army base is situated in our county. When our peacekeepers go to Bosnia, our town flies the NATO flag. This year, we are celebrating the resting of the NATO flag. We will be honouring our veterans with a military drum line by the Loyal Edmonton Regiment and, it is hoped, a First Nations drum group with an honours song.

Our major and council and the top military brass are joining me in this very important celebration. A 15- to 20-piece Loyal Edmonton Regiment dance orchestra will be honouring the participants. For dancing, the Crystal Hall at La Maison in Morinville is the place.

I urge all senators to try to take the time to join in this great occasion. If honourable senators cannot attend, we would greatly appreciate a donation of \$50 so that a veteran may attend.

[Translation]

• (1440)

ROUTINE PROCEEDINGS

ADJOURNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, March 14, 2001, at 1:30 p.m.;

That at 3:30 p.m. tomorrow, if the business of the Senate has not been completed, the Speaker shall interrupt the proceedings to adjourn the Senate;

That should a division be deferred until 5:30 p.m. tomorrow, the Speaker shall interrupt the proceedings at 3:30 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred division; and

That all matters on the Orders of the Day and on the Notice Paper, which have not been reached, shall retain their position.

[English]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

PRIVACY RIGHTS CHARTER BILL

FIRST READING

Hon. Sheila Finestone presented Bill S-21, to guarantee the human right to privacy.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Finestone, bill placed on the Orders of the Day for second reading two days hence.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

DEFENCE AND SECURITY COMMITTEE MEETINGS
FROM JANUARY 30 TO FEBRUARY 6, 2001—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table the first report of the Canadian NATO Parliamentary Association, which represented Canada at the meeting of the Defence and Security Committee of the NATO Parliamentary Assembly held in Washington, D.C. and Colorado Springs from January 30 to February 6, 2001.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Thelma J. Chalifoux: Honourable senators, I give notice that on Wednesday next, March 14, 2001, I will move:

That the Standing Senate Committee on Aboriginal Peoples be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Thelma J. Chalifoux: Honourable senators, I give notice that on Wednesday next, March 14, 2001, I will move:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

[Translation]

THE SENATE

PROPOSED CHANGE TO RULE 90—NOTICE OF MOTION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 57(1), I give notice that on Thursday next, March 15, 2001, I will move:

That the *Rules of the Senate* be amended, by adding after rule 90, the following new Rule:

90.(1) Within 90 days of the presentation of a report from a select committee, the government shall, upon the request of the committee, table a comprehensive response thereto.

[English]

STATUS OF LEGAL AID PROGRAM

NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, I give notice that on Tuesday next, March 20, 2001, I will call the attention of the Senate to the status of Legal Aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal aid for both criminal and civil matters.

QUESTION PERIOD

TREASURY BOARD

ATLANTIC CANADA—REQUEST FOR INFORMATION ON INFRASTRUCTURE PROGRAM

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. I will wait until tomorrow to ask her a few questions about a recent decision of the Supreme Court of Canada on the helicopter proposals, but I have some questions for her today regarding infrastructure.

Prior to the election, the Government of Canada promised Atlantic Canada a truckload of money for infrastructure and such, to the tune of well over \$100 million. Last year, Atlantic Canada — that is, four provinces — received \$19 million, which is quite a difference. Even the whip agrees with me.

We have heard the announcements and the pronouncements, *ad nauseum*, over and over. My question is this: Where is the beef? When is it coming?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I am surprised he asked where is the beef and not where is the fish.

In terms of the reality of what was promised during the election campaign, I must tell the honourable senator to be patient. The plans are unfolding and the programs are beginning. The commitments that were made to Atlantic Canada — that part of this country that he and I love with a great passion — will soon see the benefits of having a Liberal government returned.

Senator Forrestall: I would invite honourable senators to take a look at what this government means when it says “Soon, immediately or be patient.” Tell that to the sailors at Shearwater.

VETERANS AFFAIRS

MERCHANT NAVY VETERANS—COMPENSATION PAYMENTS— STATUS OF SECOND PAYOUT

Hon. J. Michael Forrestall: Honourable senators, the other point that I wanted to raise is equally serious. Merchant Navy war veterans were promised compensation by the government for the disrespect that they suffered after the war. However, this government, in true fashion, has only provided the veterans with half of what they were promised as a compensation package. It was split into two different payouts.

• (1450)

Honourable senators, could the Leader of the Government explain where the second disbursement of compensation to merchant navy veterans is and when might they expect their cheques, or has the government run out of money?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. It is indeed a very serious question. The announcement made to the merchant navy veterans was long overdue.

The honourable senator should take a great deal of credit for the fact that the government moved in the way that it did. I am convinced that his constant interactions in this chamber went a long way to ensuring justice for these individuals.

Honourable senators, the issue is that the government has made payments to over 6,600 merchant navy veterans as of this time. It was announced in February of 2000 that \$50 million would be required. By October, it was discovered that this figure had been underestimated and that many more members of the merchant navy deserved to receive compensation. Another \$20 million was provided. A further \$35 million will be needed and I assure the senator that it will be forthcoming.

Thus far, 13,928 applications have been received. 6,713 applicants were successful. These applicants have received in the first cheque 60 per cent of the maximum payment amounting to \$48.3 million. Approximately 2,400 original negative decisions are currently being reviewed. The full review is not expected to be completed until the end of this month.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

DAVIS INLET TREATMENT PROGRAM FOR NATIVE CHILDREN

Hon. Bill Rompkey: Honourable senators, I wish to bring to the attention of the Leader of the Government in the Senate the situation of the Innu children from Labrador presently housed in the former Grace Hospital in Saint John's, Newfoundland. They are there, as she will know, as a result of a request from the Innu Nation in Labrador. That facility was reopened to house the children.

There are reports that the children are not receiving the attention that they require or deserve. The images of the gas sniffing in Davis Inlet have been seared into all of our minds. I know that all honourable senators are interested in knowing the situation and whether the children are receiving the best treatment that can be given. There are reports that perhaps federal programs, which could be available to them, are not being made available as quickly as they might be.

Will the government leader intercede with the Minister of Indian Affairs and Northern Development to ensure that everything that can be done by the federal government is being done and that it is done as quickly as possible?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. He is quite right. The pictures of children who seem to have no hope and no future have been seared on the minds and hearts of all Canadians. These children have placed their limited amount of faith in gas sniffing. Clearly, those children need help.

If the reports are correct that those children are not receiving treatment, and I sincerely hope that they are not, I will do my best to ensure that the government understands that treatment must be forthcoming.

I will also go beyond what the honourable senator has requested today. I am convinced that if those children return to the same communities and the same conditions without alternative activities to pursue, unfortunately their success in hospital will quickly become lack of success in the community. I will raise that with the honourable minister, as well.

CAPE BRETON DEVELOPMENT CORPORATION

REQUEST FOR UPDATE ON SALE

Hon. John Buchanan: Honourable senators, I have a question for the Leader of the Government in the Senate. Would the leader provide us an update on the status of the sale of the assets of Devco to the Oxbow Corporation, an American corporation based in Florida?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I regret that I do not have that information at this time. I would hope to provide that update as soon as possible, as I know that this matter is of interest to a number of senators on the other side, including the Honourable Senator Murray.

Senator Buchanan: When leader makes the inquiry, could she also determine the status of the new Donkin mine? Is the Oxbow Corporation prepared to proceed with the Donkin mine? In addition, are there ongoing negotiations with the Cape Breton group that made a proposal a few years ago to develop the Donkin mine?

Senator Carstairs: I thank the honourable senator for that question. I will add the issue of the Donkin mine, including the issue of the American participants and also the issue of the Nova Scotia group that came forward with a plan.

JUSTICE

COST OF GUN CONTROL REGISTRATION

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. The Finance Committee met this morning to study the Supplementary Estimates. During that session, we discovered that the cost of gun control registration is approaching \$500 million.

The previous time I stood up to ask a question on this topic, the cost was \$400 million. The time previous to that, the cost was at \$300 million. The original promise by the minister was a cost of approximately \$65 million.

Would the leader tell us when this will end? Is this it, or should we expect the cost to be \$100 million a year?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. It is important to note that the licensing process that is more or less complete has resulted in a very high rate of individuals obtaining a licence to be in possession of firearms. The next stage is the registration of those firearms in the country.

Honourable senators, I have spoken with Minister McLellan about this issue. She assures me that they are moving quickly to ensure that this be done in the most efficient manner possible, not only with respect to cost but also with respect to delivering the service to those individuals whose licensing applications were clear and to the point. Those who made applications that were not complicated should be able to proceed with the registering of their firearms through a short form, which could be done at a reduced cost.

Senator Stratton: Honourable senators, my concern is that in approaching the \$500-million cost, we do not know if the increased monies given to the RCMP form part of that number. The workload imposed on the RCMP to manage this system has been considerable. Anyone who has gone to a shopping centre, as I have, to obtain a mail-in form would note that the lineups are long. The RCMP has been greatly overloaded.

I ask the leader again to inform us of the final cost, including the RCMP costs? I do not think that cost of the RCMP is included in the \$500 million. Would the leader ask the minister to answer that question?

Senator Carstairs: I think that the honourable senator is right. The cost to the RCMP would not be included in the licensing procedures that have taken place to date or the cost of those licensing procedures. I will inquire as to whether they include both items. My information at this point suggests that it does not include the additional cost and time required of the RCMP for this process.

• (1500)

GUN CONTROL REGISTRATION— NUMBER OF GUNS TO BE REGISTERED

Hon. David Tkachuk: Honourable senators, when the minister introduced Bill C-68, he mentioned that there were 5 million firearms to be registered. My understanding is that the government, in order to meet its high percentage rate for registered firearms, has downgraded that number to 2 million guns requiring registration. Do we have the government's estimated number?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the government estimates indicate that there are 2.4 million guns to be registered. The original estimate appears to have been higher. The estimate of 2.4 million guns, by the way, was established by an independent committee that prepared a poll and conducted a statistical analysis to determine the number of weapons out there. The success rate to date indicates that over 2 million owners of guns have registered their weapons, or have been licensed. We also have approximately 300,000 that still need to be registered. There are about 100,000 people who chose to turn in their weapons. That action, therefore, resulted in decreased numbers to put through the licensing process.

Senator Tkachuk: The number now is 2.4 million, gauged by an independent study. On what basis did the minister provide the other inflated numbers when he introduced the bill?

Senator Carstairs: The understanding was that, from anecdotal reports of the number of guns available, it was closer to the 5 million target. However, the proof has been in the pudding, and it appears that there are not that many guns. With that, I must say that I am absolutely delighted.

ENVIRONMENT

EMISSIONS FROM ONTARIO POWER GENERATION INC. PLANTS— RESPONSE TO LETTER FROM ATTORNEYS GENERAL OF NEW YORK AND CONNECTICUT

Hon. Mira Spivak: Honourable senators, the Attorneys General of New York and Connecticut have invoked a section of the Canadian Environmental Assessment Act to request that the Minister of Environment conduct an environmental assessment of Ontario Power Generation's three coal-fired plants. They say that U.S. federal research has "conclusively demonstrated" that emissions from these plants significantly harm wildlife and the health of Americans. Spiralling rates of asthma, premature deaths, acid rain — these problems are being laid at our doorstep. Of course, we also have the issue of the Clean Air Treaty that was signed between Canada and the United States.

Does the Honourable Leader of the Government know what the government's response was to the allegations in the letter of January 31, 2001, from Attorneys General Blumenthal and Spitzer? Will the Minister of the Environment accede to the request?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as may be assumed, I do not have a response to the January 31, 2001, letter from the Attorneys General of New York and Connecticut. I will try to obtain that response. The most important consideration is that the Clean Air Treaty has been signed. It imposes mutual obligations on the United States and Canada. Neither of us walks into this with

clean hands. There is desire on both sides of the border to clean up our air and our environment.

RECOGNITION OF UNITED STATES EMISSIONS REGULATIONS

Hon. Mira Spivak: Honourable senators, last week the U.S. Supreme Court unanimously rejected the legal challenge from electric utilities in the U.S. against the EPA rules to reduce smog-producing emissions. Thus, reducing those emissions in the U.S. Midwest will help people in Ontario. Ozone levels north of the border could fall by as much as 20 per cent. I would hope that in requesting this information from the Minister of the Environment, the Leader of the Government would use her good offices to see that, indeed, Ontario returns the favour to the Americans who must breathe our emissions that travel south.

Hon. Sharon Carstairs (Leader of the Government): The honourable senator raises an interesting question. It is a point that needs to be made to not only Canadians but to all Americans as well — that air and water hold no respect for international boundaries; they flow back and forth. Senator Johnson has a serious issue of concern about waters flowing north into Canada, and I share that concern with her. Another senator from Manitoba has raised a significant problem: When an industrial complex in Canada or in the United States pollutes the air, that air does not remain in the narrow area of the industry, but rather flows north or south. I would be pleased to raise those questions with the Minister of the Environment.

[Translation]

HEALTH

LACK OF COHESIVE PALLIATIVE CARE PLAN—RESPONSE TO RECOMMENDATIONS OF SPECIAL SENATE COMMITTEE

Hon. Eymard G. Corbin: Honourable senators, my question is for the Leader of the Government. She will recall that, on January 31, I asked her whether the government would provide a full response to the report of the special committee she chaired on palliative care in Canada.

At the time, she reported that she had talked to the Minister of Health, but that no firm commitment to provide a detailed response had been obtained. A month and a half has gone by, and I am wondering whether, today, the Leader of the Government is in a position to tell us whether this house may expect a full response, as she had formally wished.

A Canadian medical journal contains an article on the lack of coordination of government policies on palliative care in this country, a situation it considers most regrettable. On this question, I give notice that tomorrow I will speak in the debate on the Address in Reply to the Speech from the Throne.

I think, honourable senators, that time is slipping by and it is time to act.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I do not have a commitment for an immediate response from Health Canada on the issue of palliative care. The Minister of Health has not fulfilled his responsibilities for the past five weeks because he had surgery and is recuperating. I have not put any pressures on the minister or the department, in his absence, to provide a comprehensive plan.

However, I do want honourable senators to know that there are some exciting initiatives taking place in the field of palliative care. The Minister of Health in the province of Manitoba has undertaken to make the Senate report an issue for the next meeting of the provincial ministers of health. Other ministers have agreed with Mr. Chomiak, and our report will be on the agenda of that meeting. I am very positive about that initiative.

I am also positive about the initiative announced in the Speech from the Throne that a parent with a child who requires palliative care will be provided with both the job security and the funding that is required while caring for this child who is receiving palliative care.

Progress is being made. However, as soon as the minister returns to his position, I will again put on the pressure for a response to our specific recommendations.

Hon. Lowell Murray: Honourable senators, I am certain that this is a matter of public knowledge, but for the record, could the Leader of the Government please tell us who the acting Minister of Health is?

Senator Carstairs: Honourable senators, the acting Minister of Health is the Honourable Herb Gray.

[Translation]

PALLIATIVE CARE FUNDING

Hon. Roch Bolduc: Honourable senators, am I to understand that the Leader of the Government has less influence with the Minister of Health than many of the members of the other place, who, of late, have been receiving subsidies for all sorts of things? If it is not for diabetes, it is for heart disease.

• (1510)

I am always impressed by the series of grants given out. Last week, it was Ontario's turn. The province received at least \$2 billion in grants in a variety of fields. This week, the Minister of Health was handing out grants here and there throughout the country for very specific purposes — I do not know whether he is rewarding the people who will be looking after his next election campaign ahead of time. In any event, these people seem to me to have more clout than the minister and this bothers me. I should like to hear what the Leader of the Government in the Senate has to say about this.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I hope that will prove not to be the case. In order that honourable senators will know that some of that money is flowing to palliative care, it was recently announced that funding will be provided to the University of Alberta for palliative care research. That is a start and I anticipate that there will be more funding to come.

I have not forgotten the honourable senator's earlier question with regard to a Senate calendar. We now have a mock-up of the calendar. I will be sharing that with the leaders on the other side and it is to be hoped that before we leave in April the honourable senator will be able to make his plans for the remainder of 2001.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have three delayed answers. I have a response to a question raised by the Honourable Senator Cohen on February 20, 2001 concerning Bill S-11. I have a response to a question raised by the Honourable Senator Cochrane on February 21, 2001 regarding the management plan for Gros Morne National Park and funding for management plans for national parks. I have a response to a question raised by the Honourable Senator Robertson on February 20, 2001 regarding the Greater Moncton Airport Authority.

CANADIAN HUMAN RIGHTS ACT

AMENDMENTS TO INCLUDE SOCIAL CONDITION
AS PROHIBITIVE GROUND OF DISCRIMINATION—
GOVERNMENT POLICY

(Response to question raised by Hon. Erminie J. Cohen on February 20, 2001)

This government recognizes the principles and complexities of the legal and policy issues regarding "social condition." As a result, the Minister of Justice indicated during the debate of Bill S-11, that the Canadian Human Rights Act Review Panel would include the issue of "social condition" in its review of the Act.

As you know, the review has now been completed and a report entitled the Canadian Human Rights Act. ("Promoting Equality: A New Vision 2000") was released in June 2000.

The Report, however, contains 165 recommendations covering various issues from process to additional grounds of discrimination, including "social condition."

This issue is crosscutting, as are many others in the Report, and affects the mandates of a number of departments. Officials in Justice are currently working in collaboration with other federal departments on this complex report, including addressing the issue of social condition.

This is the first comprehensive review of the CHRA in over twenty years. The government needs time to review the Report carefully and give it the consideration it deserves in close consultation with other federal departments.

HERITAGE

MANAGEMENT PLAN FOR GROS MORNE NATIONAL PARK— FUNDING FOR MANAGEMENT PLANS OF NATIONAL PARKS

(Response to questions raised by Hon. Ethel Cochrane on February 21, 2001)

QUESTION:

When can we expect the tabling of the Gros Morne National Park of Canada Management Plan?

ANSWER:

As honourable senators will know, the Canada National Parks Act was proclaimed on February 19, 2001.

As the Minister of Canadian Heritage indicated when the Act was proclaimed, Gros Morne National Park of Canada will be formally established when regulations are in place to provide for traditional harvesting activities by local people.

The management plan for Gros Morne National Park of Canada is currently in draft form and certain elements require further discussion with local residents and stakeholders. Parks Canada expects to recommend a revised management plan for approval by the end of this year.

Once the management plan has been approved by the Minister of Canadian Heritage, it will be tabled in Parliament in accordance with the provisions of the Canada National Parks Act.

QUESTION:

Will the government provide funding to carry out the development of management plans?

ANSWER:

Management plans set the future direction for the management of national parks consistent with the provisions

of the Canada National Parks Act, including the measures to ensure the maintenance or restoration of ecological integrity.

There is a program in place for management plans, which Parks Canada continues to implement.

TRANSPORT

PRIVATIZATION OF MONCTON AIRPORT

(Response to question raised by Hon. Brenda M. Robertson on February 20, 2001)

A formal response to the Greater Moncton Airport Authority (GMAA) will be provided once a thorough review of the arguments presented by the GMAA at the meeting held February 8th is completed.

A decision on the need to re-negotiate the deal that privatized the Greater Moncton Airport will be made only once the Department has completed reviewing similar agreements across the country.

ORDERS OF THE DAY

THE SENATE

MOTION ON PROPOSED CHANGES TO RULE 86— DEBATE ADJOURNED

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice of February 20, 2001, moved:

That Rule 86 of the Rules of the Senate be amended:

1. by deleting subsection 86(1)(h) and replacing it with the following:

(h) The Senate Committee on Foreign Affairs composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and Commonwealth relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid;
- (iv) territorial and offshore matters.

2. by deleting subsection 86(1)(m) and replacing it with the following:

(m) The Senate Committee on Social Affairs, Science and Technology, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is an order of the Senate to that effect, bills, messages, petitions, inquiries, papers and other matters relating to social affairs, science, and technology generally, including:

- (i) Indian and Inuit affairs;
- (ii) cultural affairs and the arts;
- (iii) social and labour matters;
- (iv) health and welfare;
- (v) pensions;
- (vi) housing;
- (vii) fitness and amateur sports;
- (viii) employment and immigration;
- (ix) consumer affairs; and
- (x) youth affairs.

3. by adding new subsections 86(1)(r) and 86(1)(s) after subsection 86(1)(q) as follows:

(r) The Senate Committee on Defence and Security, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to national defence and security generally, including veterans affairs.

(s) The Senate Committee on Human Rights, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to human rights generally.

Hon. Sharon Carstairs (Leader of the Government):

Honourable senators, this initiative is the result of a desire to establish two new committees in this chamber: a standing committee on defence and security, and a standing committee on human rights. There is considerable background to this motion before the Senate. I wish to go through some of that background with you so that you understand clearly how this motion was initiated.

We have been working on committee reform and restructuring since at least 1994. Some senators tell me that it has been going on even longer than that, but I have been an active participant in much of that review discussion since that time. Under the excellent leadership of Senators Robertson, Maheu and Austin we have undertaken numerous exercises on the restructuring of the committee system.

The whole process started with a questionnaire sent to every senator under the chairmanship of Senator Robertson in 1994.

Over the past seven years, the committee has met on many occasions to consider the results of that questionnaire. Research and analysis was obtained from the research staff of the Library of Parliament and from our own Committees Directorate. As discussions evolved, many individual senators submitted comprehensive proposals for restructuring.

I recall that in 1998, for example, elaborate packages were presented by Senator Maheu and Senator Kenny, and I myself submitted a proposal. A series of meetings took place to discuss and consider all of these proposals. A subcommittee was established to examine the proposals. Discussion, reflection, consideration and reconsideration have all been ongoing for the past seven years. Only one item has emerged from the restructuring debate as a consistent recommendation of the Rules Committee, and that is the recommendation for the creation of two new committees.

Two separate reports have recommended the establishment of new standing committees, one on human rights and one on defence. In June 1999 and again in June 2000 reports were presented to the Senate recommending such committees. Both were presented near the end of a session and they died on the Order Papers because we did not deal with them quickly enough.

We on this side do not view this item as a government initiative. We view it as a Senate initiative. Let us have a free vote on this issue. Let the Senate decide, but let us not delay any further. Some would suggest that this issue should be sent yet again to committee. Of those who make that suggestion I must ask, "Why?" After all, we have twice had a recommendation from our Rules Committee. Let us finally make a decision whether to implement or to reject that recommendation.

Others would argue that we are restructuring in a piecemeal way with this motion, and that is a fair comment. However, honourable senators, I personally see no other way. We have tried the other way for seven years and it has resulted in failure to make decisions and implement change. This issue has been thoroughly discussed and analyzed. In my view, senators need no further study or reflection. Senators are now in a position to make an informed decision. Let us proceed to do so.

To those who would argue that this is a partisan debate, I will say the following, in conclusion: I attended a Rules Committee meeting where members of the other side turned out in great numbers to advocate the establishment of a human rights committee. They had strong support from members of our side. With respect to a defence committee, the numbers were somewhat reversed. The majority in support happened to be from this side, but there was strong support from the other side. These two committees are desired by a large number of senators on both sides of the chamber who want to do work in this area. Is it a majority of senators? I do not know. However, let us finally bring this issue to a vote and find out once and for all whether the majority of members in this chamber wish to have the two new committees established. Let the Senate decide.

Hon. Sheila Finestone: Honourable senators, I am most delighted, as I think most senators are, with the motion before us today for the establishment of a standing committee on human rights. We are in a new millennium, and it offers people around the world an opportunity to reflect upon our common destiny as we find ourselves interconnected as never before. Consider the changes brought about by technology and the Internet.

While the benefits of globalization seem obvious — growth, education, better standards of living, and expanded opportunities — a backlash of inequality is also emerging as the benefits of globalization are not evenly distributed.

• (1520)

In particular, the human rights community faces a number of critical challenges as people are becoming more and more aware of the injustices and the brutalities that exist around the world. Honourable senators, to give an international example of some of the concerns that seem strange but real, the President of the Committee on Human Rights of Parliamentarians at the 165th session of the Inter-Parliamentary Union held in Berlin reported that we had to consider the cases of abuse against 200 parliamentarians in 33 countries in every region of the world. I submit that this is a very significant point — democracy needs rights and needs these rights to be manifest.

Honourable senators, if we advocate the elimination of gross disparities of wealth, strive to eradicate the miserable conditions in which over 1 billion people live, promote the preservation of our natural environment and decry conflict, we cannot turn a blind eye to the compelling need to protect the vulnerable, enforce human rights and ensure that gross violations do not go unpunished.

Canada is not unblemished; however, we are distinguished and distinguishable among the nations of the world. We believe that we should raise the issues, examine the circumstances and speak out with a voice that is clear. We should speak out on pertinent issues and address them so that what we assess and evaluate signifies what we value. Refining our policies would be like gaining new senses and providing additional insights for oversight and for guiding the governing process.

Honourable senators, we face the urgent need to encourage and support the universal values of human rights and the promotion of democratic institutions and practices, both here as well as overseas, as defined in the United Nations Universal Declaration of Human Rights and the International Convention on Civil and Political Rights.

I hope that this proposed standing committee of the Senate will be endowed with the tasks of monitoring the invisibility of abuses, identifying the perpetrators and monitoring the adherents to human rights treaties, both nationally and internationally.

I should like to point out that there is an example here in Canada that was brought to our attention recently, through an

initiative of both Houses of Parliament, by Irwin Cotler and Senator Wilson at a luncheon meeting held on Monday, February 26. Many members of this house were at that meeting, at which the new parliamentary non-partisan human rights group was formed. At that meeting were many people from NGOs, as well as civil society representatives. The guest speaker at the luncheon was Professor Guy S. Goodwin-Gill, who made a presentation on the topic of domestic implementation of international law, with a specific focus on the 1951 convention relating to the status of refugees. I point out to honourable senators that Canada played an important role in the drafting of that particular document.

Professor Goodwin-Gill analyzed Canada's international legal obligations, highlighted the cases of refugees, the delays in getting landed immigrant status to them and the hardship that this imposes. We heard very moving testimony by a most delightful young woman. Our hearts went out to her. She represented about 10,000 refugees caught in this particular dilemma. Professor Goodwin-Gill found Canada's practices on identity documents of convention refugees, as well as the Immigration Department's refusal to grant travel documents to undocumented refugees, to be inconsistent with articles 25, 27 and 28 of the 1951 convention.

I hope that this proposed Senate committee on human rights will be able to look into this and similar problems and evaluate Canada's practices and their results. As I said before, how we act expresses the values we hold dear.

A Senate committee on human rights should not be seen as a humanitarian activity. It should not be curtailed because of numbers. It must be regarded as an investment in our future and that of our children, as well as a tangible expression of sincerely felt moral duty of all those who have spoken to this issue.

Hon. David Tkachuk: Honourable senators, I should like to ask a question of the honourable senator. Are there any issues that cannot be dealt with in our other committees?

Senator Finestone: My experience, honourable senators, indicates that committees do a thorough and proper job of investigating the responsibilities that are allocated to them but that they do not really look at other issues. These issues are vital and important. Human rights, along with other fundamental rights, take a certain kind of deliberative approach. They require a different responsibility than those apportioned to other of our committees.

Senator Tkachuk: Honourable senators, I am not sure whether or not I support the resolution. When we were asking questions about China, I noticed that the Prime Minister and senators opposite were all quite adamant about the fact that trade can continue, and we sent Captain Canada there while these abuses were taking place, especially among many of the Christian groups in China. Is it a fact that this committee would now look at such issues, issues that another committee was not prepared to look at a number of months ago?

Senator Finestone: Honourable senators, if we made a mistake and did not examine it earlier, shame on us. If we make the mistake again, then double shame on us.

I suggest to the honourable senator that the issue of international human rights obligations is a serious one. When I served in the other place, I was asked to form a subcommittee to examine some of those issues.

The plate is full with other important issues as well. These matters seem to get lost. I think that issues such as those involving the Falun Gong, and other problems that we see around the world, need special study, special observation and special input. There are issues right here in Canada that need to be seriously addressed.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, would it be possible to include "the Francophonie" in this wording? Or we could drop "Commonwealth" and leave the entire matter before the Senate. But we should not use just the word "Commonwealth." The Francophonie is just as important as the Commonwealth. It includes 50 countries and is important for Canada. I wonder whether the Deputy Leader of the Government in the Senate understood the point I was making two weeks ago, whether he has given it thought and whether he would agree to an amendment which would include the Francophonie explicitly or implicitly in the motion.

[English]

The Hon. the Speaker: Honourable senators, just to ensure that our procedures are followed, Senator Finestone has the floor. We were dealing with questions to her. Senator Gauthier has posed a question to another senator, namely, Senator Robichaud. For Senator Robichaud to deal with that question, leave would have to be granted.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Senator Robichaud, do you wish to comment?

[Translation]

• (1530)

Senator Robichaud: Honourable senators, since Senator Gauthier's question does not deal with a matter now before us, I would prefer to wait until the appropriate time, at which point I would certainly be more than willing to discuss it. Senator Gauthier has the best intentions in the world, and since on top of that the Francophonie is involved, I have no problem joining his team.

[English]

• (1530)

Hon. Bill Rompkey: Honourable senators, I rise to support the motion, particularly as it applies to defence. We had this debate last spring, and I had hoped that, by last fall, we would have reflected well enough to take action, but we have not.

Three weeks ago, I was in Brussels attending some NATO meetings. I called home, as I usually do. When I asked my wife what the news was, she told me that the *Ottawa Citizen* was carrying a story by Tim Naumetz about Senate committees and how good they are. I asked my wife to repeat what she had just said, and she did. Sure enough, there was a story by Tim Naumetz about the excellence of Senate committees. It began by referencing Senator Grafstein, who said that Senate committees are better than House of Commons committees. Mr. Naumetz then went to the House of Commons, where he got three members of that House to agree that Senate committees are better. So, I rest my case on Senate committees.

Senate committees have a track record. Senate committees can do a job. Senate committees are worthwhile and that fact is recognized. That is my first point.

When I returned from Brussels, I went to hear Tony Blair. I thought Mr. Blair gave a great speech. I have heard speeches from a number of heads of state and I thought that his speech was outstanding. The part that struck me most was his comment about others feeling more comfortable when Canada is there. To paraphrase him: We know that when Canada is there the job will be well done.

Those of us who have travelled abroad were not surprised at that, because that is Canada's reputation.

That afternoon, I attended the Conference of Defence Associations at the Château Laurier Hotel. Three honourable senators attended, Senators Pépin, Molgat and myself. There were also three members of the House of Commons in attendance. In that week, neither chamber was sitting, yet our representation equalled that of the House of Commons.

I mentioned that Senator Gil Molgat was at that conference. I did not take the opportunity to say a few words about him when others did. I just want to remember that he was there that day. He was there because he believed in what they were doing. He was a lifelong supporter of the army and more particularly of the Royal Winnipeg Rifles. He went because he cared. I knew that about him for some time.

I remember the defence review done by Senator De Bané and myself in 1993. I discovered, as a member of the House of Commons, that senators had research budgets that could be used for research on all sorts of things. I went to see Senator Molgat at that time and he readily agreed to participate, to help us in our research efforts through his office budget. That was the kind of man he was. He took every opportunity that he could to be of help.

Last year, when Senator Molgat was Speaker, he would from time to time invite some of us — Senator Forrestall, Senator Wiebe among them — to discuss defence policy, what was going on and particularly the reserves, where he had a particular interest. He invited John Fraser to a supper meeting where we could go over his report to the Minister of National Defence about reserves and what was coming out of it and what we could do in our own way to help. He did that because he cared. It was not because he wanted to lecture, but simply to provide a forum where we could discuss an important issue.

I wanted to remember Senator Molgat today because of his contributions, particularly to the military, over his career.

I return to the matter of the defence association meeting. I heard Tony Blair's speech in the morning about how people wanted Canada at the table. Then I went to listen to the comments of the soldiers, former airmen and former naval officers. They have gone through a tough time; they have been under siege. I heard, for example, about the sharing of uniforms because there were not enough to go around. That is not a new issue. In 1993, in Bosnia — and Senator Forrestall was there — soldiers were sharing flak jackets. Things have not changed since 1993. We are asking soldiers to go to Ethiopia and to defend the border with Eritrea when they are already stretched beyond their limits.

What a contrast between the morning as Mr. Blair said that they want Canada at the table and the afternoon when we heard that our Armed Forces are under siege. There have been many articles recently on the same topic. *The Globe and Mail* in February had an article by Sunil Ram who stated that the cuts to the Air Force demonstrate that the Canadian Forces remain underfunded in NATO. Only Luxembourg spends less. Ram stated that our forces are undermanned, underequipped, underpaid and, worst of all, badly led.

Now, I do not agree with the final part of his comment, that the forces are being badly led. I have a lot of time for General Maurice Baril. General Baril will tell you, as he told CBC the other night, that when he took over he had a tough job to rebuild from what he found. I give him absolute credit as the leader, starting that important process.

The rest of Mr. Ram's comment holds a lot of truth. There is much work to be done to review our defence policy. We need to be sure that the people who helped make this country in the Second World War and earlier have their proper place in our society. Our soldiers must be properly paid and properly equipped and they must have the tools to do their jobs properly.

That is why we need a defence committee in the Senate. We need a vehicle. There are senators who know what questions to ask. We just need the vehicle by which to ask those questions.

I ask honourable senators not to let the "perfect" be the enemy of the "good." As Senator Carstairs has said, we have been talking about this for seven years. We want to do the perfect

thing, in terms of committees, regarding committee size and membership and numbers of committees. We want the system to be as good as we can make it. Please do not let the perfect be the enemy of the good. We have an opportunity now to put in place a committee on defence and a committee on human rights. The possibility, the opportunity, is now. I say seize the opportunity. Seize the day and do the job because it needs to be done, not just for the Armed Forces but for the people whom they serve in this country.

Senator Tkachuk: Honourable senators, I notice that Senator Carstairs, who said that the issue should be settled in the Senate and not in committee, left immediately after her speech, so I move the adjournment of the debate.

The Hon. the Speaker: I have on my list another senator who wishes to speak.

Senator Tkachuk: I move the adjournment of the debate.

Some Hon. Senators: Oh, oh.

The Hon. the Speaker: It is not a debatable motion. It is moved by Senator Tkachuk —

[Translation]

Senator Robichaud: Honourable senators, it would be no more than a simple courtesy to allow senators so desiring to express their opinions on this matter, after which we shall move on to the motion for adjournment, which would be totally in order.

In response to the statement by Senator Tkachuk concerning the absence of the Leader of the Government in the Senate although it is not appropriate to make such comments, I would respond by informing him that Senator Carstairs had to leave us to attend a cabinet committee.

[English]

Senator Tkachuk: Fine.

The Hon. the Speaker: Is it in order for me to recognize Senator Wilson?

Senator Tkachuk: If others wish to speak, I shall withdraw my motion.

• (1540)

Hon. Lois M. Wilson: Honourable senators, my speech is probably shorter than debate on a motion to adjourn.

I wish to speak in support of the motion made by the government to establish two new committees. In particular I should like to address the issue of the human rights committee. I would hope this committee would assist Canada in honouring the UN international treaty commitments it has made on behalf of our country.

First, legislators have a special obligation, as Canada has also ratified these UN committees and treaties. This means we must take the necessary legislative measures to implement the rights contained in them domestically. We are in a position to do that.

Second, the human rights treaties include federal and provincial components. Since senators come from various regions in Canada, we are in a good position to look at those components. Often when we go to the UN there is no agreement between the federal and provincial jurisdictions. Senators can do something about that.

Formal standing committees are one instrument by which we parliamentarians examine issues, receive testimony from civil society and formulate legislation. Absent in the treaty report process is any committee to do that. No existing committee has this focus.

Honourable senators, I welcome this proposal, and I hope that the human rights committee will fill this gap. I trust that it will be freestanding in order to do that job.

On motion of Senator Tkachuk, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.—(*Pursuant to Order adopted March 1, 2001—7 sitting days remaining*).

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move, seconded by the Honourable Senator DeWare:

That the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with who we share Planet Earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a “common purpose” to this country — to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government’s blueprint for this country’s future is a plan to strengthen Canada’s communities, build a vibrant economy, and govern with integrity.

Strengthening Canada’s communities

Canadians feel that the fabric of Canada’s communities and institutions has been weakened in recent years.

Canadians’ faith in their health care system has been shaken. Health care cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada’s social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government’s Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels. This would restore completely the health and post-secondary education dollars cut from transfers to provinces.

- Add a sixth principle to medicare — guaranteed stable and predictable long-term health care funding — through legislation. Never again will a government be able to scoop billions of dollars out of health care.

- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.

- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.

- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.

- End the taxation of scholarships awarded to students in colleges and universities.

- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.

- Replace the federal Young Offenders Act with new legislation that reflects the principles of protection of the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice.

- Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

- Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners, that the new economy demands we reward investment, innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians — those least able to pay taxes — from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.

- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.

- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

● (1550)

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt — the mortgage on our children's future — within 25 years and pay down the principal of the debt by \$25 billion over the next five years.

- Implement an annual "Red Tape Budget" detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- My government will work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they have been elected.

My government would restore integrity to the governing of Canada by increasing democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive "whistle-blower" legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the quality of life of armed forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us toward a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

- We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It is their money, and we want to leave it up to them to save, spend or invest as they see fit.

- Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

- We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations.

That, honourable senators, is the speech that should have been delivered at the opening of this 37th Parliament and is my amendment, seconded by the Honourable Senator DeWare.

Some Hon. Senators: Here, here!

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable Senator Kinsella, I would request that you name someone else to second your motion. Senator DeWare is not in the house.

Senator Kinsella: Senator Rossiter.

The Hon. the Acting Speaker: It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter — may I dispense?

Senator Graham: Dispense.

Senator Kinsella: Dispense.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Acting Speaker: Is the house ready for the question?

Hon. B. Alasdair Graham: Honourable senators, I look forward to the remarks of Senator Di Nino and his participation in the debate.

Honourable senators, I wish to begin by congratulating the mover and the seconder of the Address in Reply to the Speech from the Throne. Both Senator Cordy and Senator Setlakwe touched on issues that have regional and national significance and implications.

I also commend other honourable senators who have participated in this very important part of our parliamentary agenda.

His Honour the Speaker brings to the Speaker's chair an outstanding record as a parliamentarian. The depth of his experience, his sound judgment and his sense of fairness will serve the best interests of all honourable senators.

I am pleased to have the opportunity to publicly applaud the appointments of the Leader and the Deputy Leader of the Government in the Senate, Senator Carstairs and Senator Robichaud. Both senators are not only long-time friends but have extensive parliamentary experience, which equips them very well for the challenges and responsibilities they will face in the future.

The whip, Senator Mercier, brings his own pervasive charm to his onerous duties as the chief government whip.

I am more than pleased to welcome back the opposition leadership team, a trio with which I am quite familiar from an earlier and I might say quite enjoyable period in this chamber. The first line of Senator Lynch-Staunton, his deputy, Senator Kinsella and the able whip, Senator DeWare, while not destined to win the Stanley Cup, is indeed formidable and greatly strengthens the opposition benches in this chamber.

I also wish to extend the warmest of welcomes to the three new senators introduced today, Senator Morin, Senator Hubley and Senator Tunney. The wide and impressive array of talents and skills they bring from their respective occupations speaks well for the future of this place and will aid immeasurably in meeting the challenges and opportunities presented by the legislative work of this chamber.

Honourable senators, in the recent Throne Speech, the government captured the essentials of what might be termed "the Canadian way." We heard that economic and social success must be pursued together and that we cannot lead in innovation and new ideas without healthy and secure citizens. Further, we must not pursue our interests in the world without strengthening our distinct culture and values here at home. We were told that this

government, which has already laid a solid foundation for success in the new economy, creating economic fundamentals which are some of the best in the world, took its responsibilities very seriously in terms of deepening and strengthening the social fabric of our great Canadian democracy.

The idea of ensuring that every region, every province and every individual can contribute to building our nation, and that government must ensure that their voices are heard, has a particular resonance to me. In a pragmatic and logical fashion, this government has developed and consistently advocated a host of policies based on the first principles that this country is all about. It has done so with the clear recognition that the nurturing of our rich civil culture is a powerful check to the forces of the dark side of globalization which could, if left to run their course unimpeded by government, threaten the values and the identity that Canadians hold dear.

• (1600)

For a number of reasons, one of the principal being the impact of the successful CBC series, *A People's History*, Canadians have become more interested in that identity of late. Viewing audiences have far surpassed expectations. When we reflect upon the Speech from the Throne of 2001 in this chamber, it may be meaningful to consider the long roots the address had in the wonderful, over four centuries long, story of Canada.

Honourable senators, I invite you to think back, well before the period of responsible government and the epic age of Confederation, to the earliest adventurers who set out to explore a continent, writing about its unimaginable potential and endless geographical expanses. Think back to the meeting of minds between cultures and ancient inheritances formed in a frontier which knew no end. Think back to the seeds of accommodation that would flourish with each wave of immigration over the course of centuries, and then forward through history, and the spirit of Canada takes shape.

[Translation]

Take, for example, the extraordinary alliance between Robert Baldwin and Louis-Hippolyte Lafontaine, which led to the historical alliance in the Assembly of the Province of Canada in 1841.

[English]

Those two uniquely talented individuals from French and English Canada respectively, along with the gifted Joseph Howe from my province of Nova Scotia, shared a passion for parliamentary government and freedom. These statesmen, the fathers of responsible government, ensured the peaceful transfer of power from the colonial elites to the Canadian people way back in 1848, thereby creating one of the oldest democracies in the world.

During the course of that struggle, Lafontaine identified his vision of Canada. I quote from one of his earliest writings wherein he stated that:

The only way in which the authorities can prevent us from succeeding (in the quest for responsible government) is by destroying the social equality which is the distinctive characteristic of much of the populations of Upper Canada as of Lower Canada. This social equality must necessarily bring our political liberty...no privileged caste can exist in Canada beyond and above the mass of its inhabitants.

This belief in social equalities and the common good, this confidence in the people and the principles of moderation, tolerance and inclusion, were all part of the constellation in which this nation was nurtured at the origins. We must think back. Honourable senators, we must explore the connections between our history and our rich civil society. How do we continue to make Canada ours, to keep the spirit of Canada alive in a globalizing world?

Canadian economist Thomas J. Courchene recently outlined a blueprint to answer those critical questions. In a one-sentence mission statement, the content and tone of which might have come as welcome surprise to some close observers, he explained that the challenge is,

...to design a sustainable, socially inclusive and internationally competitive infrastructure that ensures equality of access to all Canadians so that they may development, enhance and employ their skills and human capital in Canada, thereby enabling them to become full citizens in the information-era Canadian and global societies.

His message about social inclusion and equality of access builds on the core ideals of the Canadian culture. Those ideals were expressed at another time of great change in this country. When Robert Baldwin warned about the national consequences that would spring from the failure to win parliamentary institutions and the "first principles" of democracy and justice, he was speaking about ideals that have made this country much more than the sum of its parts.

Those first principles are the Canadian identity, honourable senators. Those first principles have not changed and will not change. The role of government, whether it was in 1848 or in the year 2001, is fundamentally the same. It is to nurture and invigorate and renew a compact with freedom, equality and the common good. In 1848, Canadians won political freedom and citizens took power from the old family compacts. In the year 2001, the continuing challenge is to build a knowledge democracy based on the principle that access of all communities and regions, whether rural or remote, access of all Canadians to the power of knowledge is the God-given right of all of our people.

Honourable senators, I repeat, all of our people. That is why the Speech from the Throne hammered away at the theme of social inclusion in the new economy. The government promised to increase funds for the National Child Benefit program over the

next four years, calling it "the single most important social program to be introduced in this country since the 1960s." It has expanded programs for Aboriginal Head Start, for adult learners and literacy programs and for the disabled.

The government recognizes that a country divided between those who have the opportunity to learn and those who do not have that same privilege, between those who have access to information and those who do not, ceases to be a real country at all. Indeed, the future of this great country will be very closely bound to the creation of a fair society that is united in the opportunity to access information — a true democracy, a knowledge democracy in which all Canadians have the freedom to travel the information highway first class.

Honourable senators, the bold and adventuresome initiatives taken by this government have and will contribute to one of most mature knowledge democracies on the face of the earth. Facilitated by SchoolNet, for example, all of our schools and libraries have Internet access. We are now on the verge of establishing 10,000 community access portals providing non-school age children with Internet access.

We must work hard to keep up with the continuing challenge of keeping Canada ours, of keeping up with the energies of our people. As a Cape Bretoner, I am proud to say that the winds of change are sweeping across a region where the transition from a steel and coal economy has meant tremendous challenges for families and communities. The people of this very special place are responding to those challenges by arming themselves with the power that knowledge brings. On Cape Breton Island alone, the number of companies in the information technology sector have grown by over 50 per cent over the last few years.

• (1610)

All across the province of Nova Scotia, our talented new "Netizens" of the 21st century are like the shipbuilders and the sailors of the 19th century, are able to live anywhere and able to succeed anywhere.

Honourable senators, I might add that, today, as Nova Scotians enter the early years of the new century, Sable natural gas resources have provided new hope and economic prosperity for the region. Potential gas fields to the east and the north of the province promise reserves greater than Sable. For example, the Laurentian field off Cape Breton's north coast between Nova Scotia and Newfoundland is said to contain between 8 trillion and 9 trillion cubic feet of recoverable natural gas resources, nearly three times the Sable reserves. In addition, there are 600 million to 700 million barrels of recoverable oil in the Laurentian Basin. Yes, there is the promise of new life for the region after "old King Coal." All the signs indicate that Nova Scotia, along with other Atlantic provinces, will become the new national oil patch, producing tens of billions of dollars in revenues over the next few years.

Honourable senators, how times change.

The Hon. the Speaker: Before you continue, I must draw to your attention that your time has expired. Are you asking for leave to continue?

Is leave granted?

Hon. Senators: Agreed.

Senator Forrestall: Failure would result in severe penalties.

Senator Graham: I hope that what Senator Forrestall has just said has been recorded because he has been asking me to fight for the rights of Nova Scotians. As I proceed, he will see that that is exactly what I am trying to do. It is part of a senator's job to represent his or her region.

Honourable senators, to illustrate my point, I will tell a story to reinforce and to reassure Senator Forrestall of the points that I will make and what my intentions are.

In the mid-1970s to late 1970s, I was making a tour of Alberta in my capacity as president of the Liberal Party of Canada. I was invited to speak at a downtown luncheon in Calgary, not exactly a bastion of heavy liberal support. I was reminded of that fact when I appeared on an early morning open-line radio show. The first caller welcomed me by saying, "So, you're the president of the Liberal Party of Canada." "Yes, sir," I replied, tentatively. The caller continued. He said, "And you're out here in Alberta meeting with all the Liberals." "Yes, sir," I responded politely, waiting for the big shoe to drop. He then said, "And where are you having your meetings, in the telephone booth?" I could sense his big grin at the other end of the line. "Yes, sir," I acknowledged again. "But remember, there are 168,973 telephone booths in Alberta — and they are all worth a call."

By the way, that was the exact number of votes the Liberal Party received in Alberta in the previous federal election.

"Touché," he laughed, "and welcome to Alberta."

Honourable members, I return to the part of the story of the noon luncheon, which was naturally billed as a non-political event. As president of a major political party, I was invited to give my views, so to speak, on the state of the nation, as it were. I was introduced as a Maritimer, more specifically as a Nova Scotian. At the conclusion of my remarks, the chairman said that I was prepared to take a few questions. The next voice I heard came from near the back of the hall.

"We are tired of feeding the Maritimes," this gentlemen boomed, to the embarrassment of more than a few in the

audience. I wondered, before commenting, if I could ask him a question. "Go right ahead," he replied. "Are you a native of Alberta?" I asked politely. He responded, "What's that got to do with my comment?" "Answer!" someone yelled. "As a matter of fact, I am not," he said. "How long have you lived here?" I asked. Another silence. "Answer!" said someone else. "I've lived in the this beautiful province for 12 wonderful years," he boasted. "And what part of the Maritimes did you originally come from," I asked. More silence, and then, finally, came the reply, "New Brunswick," to which I responded, "I suppose you were born and raised in New Brunswick and educated at Dalhousie Law School in Nova Scotia." "Right on!" came from another corner of the room.

I agreed that Alberta was indeed one of most beautiful parts of the country and that the citizens among the most hospitable to be found in the world. I told him that I meant no disrespect but that I thought it was regrettable that after 12 short years he had forgotten his roots. I did not go so far as to speak about the Great Depression and how, during that period of time, the people of Maritime Canada worked extra hard to send food and clothing to Western Canada.

Honourable senators, those are lessons that should never be forgotten. It is important for the future of our country that each generation understands and appreciates the helping hands, the many sacrifices that the people in one part of this country, yesterday and today, have made to help people in other regions of Canada, in good times and in bad.

That is how this great country was built. That is how this great country must continue to work.

Honourable senators, those stories about zero-sum thinking and unfettered selfishness are not what Canada is about. The story of Canada is a story of tolerance, compassion and the vision of a better world. We must stand united because we have promises to keep.

I thought deeply about those promises to all of our regions, to all of our people and to the world community. I thought of those promises several years ago on a trip to Quebec City, a short time after the 1995 referendum. During my stay, I wondered how I could convince more of my fellow Canadians to visit that beautiful city, which symbolizes all the drama and passion of our past.

Honourable senators, as I related on another occasion in this chamber, I took my walk in the snow along the Plains of Abraham. A little plaque caught my eye. I wiped away the snow to better read the caption. Surprised to see the words "O Canada," I read on.

[Translation]

Our national anthem, with the words of Sir Adolphe Routhier set to the music of Calixa Lavallée, was sung for the first time at the "Congrès catholique canadien-français" on June 24, 1880, Saint Jean-Baptiste Day.

[English]

How many of our citizens today know, understand and appreciate that our national anthem, written and composed by a French Canadian, was first sung in French in Quebec City on the Feast of Saint-Jean Baptiste? I have reflected many times on what it would take to have that great event of 121 years ago repeated. I wondered how we could renew and nurture the kind of confidence, that simple faith and respect between every region of this country that rekindled the desire of our ancestors long ago to lift their voices together in a moving tribute to our home and native land, to a country that belongs to each and every one of us.

Honourable senators, Canada is a democracy built on the courage of early explorers and the wisdom of our First Nations, a democracy of raucous regions and a multitude of voices from across the globe singing, speaking, arguing and agreeing in the confines of one great nation-state, a democracy where accommodation of differences was, is, and always has been the rule, not the exception. I like to think of it this way. Over our long history, there have been boundaries drawn that divide us into specific provinces and territories, but as a Canadian I want to feel at home in every part of the country.

• (1620)

As we reflect upon the roots and origins of the ideals that have been built into the Throne Speech — and the rich civic culture that makes us one — we see that we must better understand the fascinating adventure that our country really is. We must understand how it was built. We must understand the dreams of the early explorers. We must remember the sacrifices, the persistence, the determination and the strength of generations of Canadians who envisioned and mapped out the boundaries of a special community in a vast land. Yes, all those who mapped out the vistas of our geography, whether it was political, spiritual or regional, were caught up in the spirit of discovery that Canada was, is and always will be.

We must remember the consecutive waves of immigration over time that made Canada a world in one country, a place where the old politics and the old worlds of *realpolitick* and shared selfishness were left behind. Yes, we must remember all those strangers at the gates of freedom, all those who saw the light of a better place from afar, all those who travelled long days and nights to build better lives for themselves, their families and their children's children.

Yes, honourable senators, we must remember, and we must think back. We must, each of us, make all of Canada our home because all of this great country belongs to each of us. The sea of trees and the majesty of our Rocky Mountains belong to all us. The historic coastlines of British Columbia and Newfoundland and the rich culture of Cape Breton belong to all of us. Our

thousands of shimmering lakes and the grandeur of our whispering maples belong to all of us. The huge blue sky over the Prairies and the golden vistas of wheat that run into eternity belong to each of us. Our Atlantic beaches and the wondrous cliffs and the sugar bush of Quebec belong to all of us. The gentle twilight over the streets of Old Montreal and the magnificent diversity of Toronto and Vancouver belong to all of us. The treasures that are Nunavut, the Yukon and the Northwest Territories — all of our Arctic expanses — the majesty of great waterways and national parks — all of that belongs to each and every one of us. We must all take the time, as the Speech from the Throne encouraged all Canadians, to discover, to rediscover and to make them ours.

It seems that at times our federation surges and almost bursts with intolerable tensions, unreasonable fears, diabolical disagreements and mischievous mythologies. Our regions variously progress and decline over time; but we regularly pull ourselves up by the roots to see that we are still growing. Yes, we find that, in spite of all the odds, all the challenges and the vicissitudes, our talented and courageous people have shown the determination and the will to keep this country ours.

Now, today, in the year 2001, in the early hours of a new century, we reflect together on the frontiers of our citizenship. We find in those reflections that the frontiers of our citizenship are still clear. The frontiers of our citizenship, our demarcation lines, our boundaries are the boundless expanses of our spiritual geography and the values that make us one. Our frontiers, our boundaries, are about the power of a great nation conceived in the adventure of building a better place. Our frontiers, our boundaries, are about an endless adventure into freedom. The frontiers of our citizenship, our boundaries, are about the magic of being Canadian. For all of us, for each of us, that magic is the same.

Hon. J. Michael Forrestall: Honourable senators, I am always moved when Senator Graham addresses the Speech from the Throne. Perhaps if I am here for another four or five years, I will hear him get around to addressing the speech itself.

Honourable senators, I wish to extend my most sincere congratulations to the mover and seconder of the motion, in particular to the mover because she is a resident of my hometown.

I wish to welcome our three new senators. As has been pointed out, they enrich our work and our activities. I know they will be very active.

I wish to start by saying how deeply disappointed I was in the Speech from the Throne. It was hurtful in the extreme that the Canadian Armed Forces received but two sentences in the Throne Speech. We see just going out of the chamber now air cadets who have been listening to the debate. I am glad they heard Senator Graham's expressions. I am pleased that they listened to him and will not listen to the words of disappointment that I have in my government.

I wish to quote two sentences from the Throne Speech:

The Government will continue Canada's proud record of peacekeeping. In Budget 2000, the Government provided funding increases for the Canadian Forces to help ensure that they are equipped and prepared to respond quickly to calls for help at home and abroad.

I have had a couple of weeks to reflect on those two comments and the state of our military in general. I am reminded of the comments of William Pitt concerning the defeats Great Britain was suffering in the Seven Years War prior to 1757 when he summed up the past by saying, "The maxims of our government have degenerated, not our natives." This government is either through intention or benign neglect allowing for the dismantling of the Canadian Armed Forces.

This is the government that sent military families eviction notices in the dark of a Friday night so that they had no one to call to whom to voice a concern or complaint. This is the government that allows our peacekeepers to return from missions sick from unspecified causes and which does nothing to help. This is the government that brings our soldiers home from peacekeeping, especially our young reserve soldiers, and provides them little or no follow-up counselling, which is so very necessary. Many honourable senators have heard me express concern about this before.

This is the government that leaves our soldiers abandoned on the airfields of Macedonia after a peacekeeping mission. The government says, on the one hand, "Here is a raise," while within hours it says, "Yes, and by the way here is an increase in the cost of your housing, shelter and your rations in quarters." This is the government that sends them away on operations wearing hand-me-downs or threadbare uniforms. As our colleague Senator Rompkey mentioned today, this is why there is a need for a Senate committee on defence. This is the government that allows these men and women to exchange flak jackets because they do not have enough to go around. Given the size of me, the only parts of me that are protected by a flak jacket are my underarms.

• (1630)

This is the government that, after several years of bickering, tells 18- and 19-year-old men and women on the armoury floor, who are interested in the military and are trying to serve their country, that they still have another two to three years of evaluation before they will know whether the units they have joined will survive or die.

This is the government that spends millions, if not billions, to upgrade our TRUMP destroyers, particularly the HMCS *Huron*, and then ties them to the dock because we do not have the people in the forces to man our ships and new submarines.

This is the government that hides behind equity issues to man our submarines. As senators are all aware, it was once a volunteer service, but now both sexes will be conscripted to crew the Victoria class of submarine.

This is the government that stretches a force of less than 51,200 to the very limits of its capacity and the capacity of its leadership to properly fulfil the mandate that has been given to it by this country. In my opinion, based on reliable methods of measuring, the number of personnel in the Canadian Armed Forces is probably closer to 46,000 than to 51,200.

This is the government that leaves 10 per cent of its army equipment stuck on the high seas.

This is the government that is planning to cut the army by one full brigade.

This is the government that has ruined the Canadian army to the point that our most famous peacekeeper says that it is unable to fight a war.

This is the government that offers "marines" for East Timor only to discover that we do not have marines in the Canadian Armed Forces.

Honourable senators, Mr. Pitt would have thought that 1757 looked good if he had the occasion to see the state of the Canadian Armed Forces today.

Had my party been elected to government, we would have done a number of things to help the Canadian Forces.

A Progressive Conservative government would have committed funding for adequate strength levels, quality of life initiatives and the procurement of new equipment for the Forces.

A Progressive Conservative government would provide the Department of National Defence with immediate additional annual funding for the next five years to maintain current capabilities and implement proposed long-term capital programs.

A Progressive Conservative government would give general focus and direction to the military leadership, while empowering them to make strategic operational decisions.

A Progressive Conservative government would purchase modern, effective maritime helicopters in accordance with the approved departmental statement of requirement: fair and open competition based on "best value for the dollar" to the Canadian taxpayer, not lowest cost compliance.

Returning to the Sea King for a moment, honourable senators, the state of our Sea King fleet and the government's ill-fated planned replacement program brings tears to the eyes of some of us. We have the makings of a scandal-plagued project. It may make Sam Hughes and the "shovel shield" look timid.

Honourable senators, how well we remember the days of "soon" in this chamber and "immediately" in the Liberal 1994 white paper. The Liberal definition of "immediately" is six years. You can count the number of days yourselves. I remember our esteemed Minister of National Defence telling us repeatedly that we would see the Sea King fleet replaced by 2005. Now we know that there is no mandatory date for that to take place. We may see Sea Kings flying past — well past 2008, not by 2005 as we were told.

Estimates place the cost of cancellation at over \$1 billion. We heard earlier today of \$500 million being thrown into gun registration. That would have given us the helicopters that we need to complete this program.

Why will it cost over \$1 billion? That is because the EH-101 is likely the only aircraft that will be available in sufficient numbers by 2005 to replace the Sea Kings. If something should happen to a Sea King crew on a mission, this government will have to live with the consequences and all members of this chamber and of the other place who remain quiet in their seats will have to share in that unhappy burden.

Honourable senators, in my judgment, the government has made quite a mess of the Sea King replacement. During the 1993 election campaign, then Leader of the Opposition Jean Chrétien said, "I will take out my pen and will write 'Zero helicopters, Chrétien'," and "no one will die because of helicopters."

Thank God nothing has happened yet with a Sea King, but we do know the tragedy of the Labrador. It is only by the grace of God that it has not happened with a Sea King.

Upon taking power in the fall of 1993, Mr. Chrétien cancelled, as he said he would, the EH-101 and sent us down the trail to scandal and potential disaster. That one act of irresponsible and cynical electioneering has cost this country dearly in terms of the operational effectiveness of our maritime forces. Now this has come home to roost on the present government.

We all know that an effective operational maritime helicopter is a necessary complement to our modernized destroyers and modern frigates; that is, those that are not tied up at dock for lack of crew.

Canada has one of the most modern and effective surface fleets in the world, built at a cost of billions of dollars. These ships will never reach their full potential until they receive an effective, robust, modern maritime helicopter to replace the Sea King. In plain and simple terms, the result of the 1993 cancellation is that the aging and unreliable Sea King is being stretched to the limits of its usefulness and its life.

The last two years have seen several high-profile operational failures in the Sea King, including aborted NATO exercises,

failed medical evacuations at sea, and the impaired high seas seizure of the GTS *Katie*, as we all recall. The unreliability of the Sea King is hampering the operational effectiveness of our navy, despite valiant efforts of maintenance crews. This is a scandal — something of which we cannot be proud.

Until August of this year — six years of failure, six years of risk — the Chrétien government stalled the Sea King program that is so important to our navy, our air crews and their families. Worse was to follow. Consider, for example, the fact that the procurement process calls for four separate contracts, all independent of one another: basic vehicle, mission systems, support for basic vehicle, and support for mission systems to the tune of \$2.9 billion.

The government capped the value of the 28 basic vehicles at \$925 million and made the decision dependent upon a "lowest priced compliant" criteria. This has had two immediate effects. First, it means that no matter what aircraft competes, even if it is of only marginal ability, as long as it meets the statement of requirement and is the cheapest helicopter, it will be selected as the replacement. This will happen in spite of the fact that another marginally more expensive aircraft might be more effective.

• (1640)

This will also eliminate professional military judgment from the competition. If an operationally marginal competitor is one dollar cheaper than a helicopter with 100 per cent more operational capacity, then the saving dollar will win out. This is against Treasury Board Guidelines and we need only look to the Supreme Court of Canada decision late last week to understand what they felt about the tendering process. They called it "patent politicization." Well, so did I, two or three weeks ago. Along Treasury Board guidelines, due to the lowest price compliant guidelines, the competition virtually eliminates the EH-101 before the competition even starts.

The EH-101 was awarded the contract to replace the Labrador Search and Rescue helicopter in 1998, based on "best value for dollar" to the Canadian taxpayer and at great embarrassment to the current government. At one time, however, I was prepared to give the Prime Minister every bit of support for having finely admitted his mistake and carrying on.

The Hon. the Speaker: Honourable senator, your time has expired. Are you requesting time to continue?

Senator Forrestall: Yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Forrestall: Honourable senators, the cost of the Canada search helicopter is approximately \$550 million for 15 "bare bones" EH-101s. One can easily see why it would be difficult for EH Industries to provide 28 at \$925 million for the Sea King replacement.

Additionally, the LOI rules limit Sikorsky's new S-92 from competing for the contract. Of course, they have supplied us with helicopters since I was too young to vote. The competition guidelines state that the competing helicopters must be certified prior to the basic mission vehicle portion of the contract being awarded in the summer of 2001. It was well known in government circles that the S-92 would not be certified before the summer of 2002. Thus, the S-92 would be eliminated from the maritime helicopter competition before it even started. This is an unheard of requirement — to demand certification of an aircraft three years before it is even scheduled for delivery by firms that have international reputations, such as that Sikorsky enjoys.

The only group not disadvantaged by the competition is Eurocopter and its Cougar MK2. It is the cheapest aircraft and is based on 1970s technology and design. Indeed, the Cougar was just excluded from a four-nation Scandinavian maritime helicopter competition in the challenging North Sea and Arctic Ocean environment, which is so similar operationally to our cold, hazardous North Atlantic. It is not a proven naval helicopter, but it is the cheapest. Under this government we will end up with a more effective helicopter for search and rescue than we will get for combat operations at sea. We have the EH-101 for search and rescue operations and the Cougar MK2 for combat operations. Why, you ask? I have my suspicions, but perhaps you might ask the Ministers Gray, Eggleton, Gagliano and, perhaps, the Prime Minister himself why the Cougar was the only helicopter not disadvantaged by this competition. It is, to say the least, outrageous, not to mention the fact that the skewed procurement process — rigged in my opinion — was done without the departments and with no supporting recommendations from DND.

Honourable senators, there are a few other facts worth noting. The Basic Vehicle, or Green Helicopter, will be purchased separately from the mission systems. What happens if this system and the aircraft are incompatible, possibly because of magnetic anomalies and electronic emissions? Add an additional 70 per cent, according to aerospace firms, to the \$2.9 billion program.

What happens to airworthiness certification when large holes are cut into the airframe, such as for sonar, or when weight and balance changes when mission systems are integrated into the aircraft?

As there are four separate contracts, there is no prime civilian contractor to push for successful, efficient completion of the project. The government, by default, becomes the prime contractor, and who pays the difference? The Canadian taxpayer, of course, pays the difference.

This is not the best way to procure defence equipment that the navy will be stuck with for 40 years if the Sea King is any guide on replacement timelines. In all of this, not one word in the Throne Speech about the largest defence procurement program of this government, not one word about the state of the forces. I

remind those on the other side that when we were in power, we had a real brigade in Germany. We could dispatch three ships to the Persian Gulf and they left in days, not weeks. Do not attempt to tell us how much better off the forces are today. We did not evict military families from their PMQs as this government — the Liberal government — is doing. What the Throne Speech said to the Canadian Forces members, their families, public supporters and me is plain and simple — no more money, not one penny. The government will simply cover your operations and maintenance deficits in supplementary estimates and be done with you for another year. You will not get the \$1 billion more that you need this year and the next for capital expenditure to avoid rust out.

That is my response to the Speech from the Throne on behalf of those in this country who support a strong, effective Canadian Forces. It comes from another great historic British leader, Oliver Cromwell, who said "I have not the particular shining bauble of feather in my cap for crowds to gaze at or kneel to, but I have the power and resolution for foes to tremble at."

Hon. Thelma J. Chalifoux: Honourable senators, I welcome and congratulate our three new colleagues to this illustrious chamber. I am certain that you will find it challenging, powerful and interesting.

Honourable senators, I am pleased today to respond to the Speech from the Throne. The government was given a third mandate by Canadians. The goals of this government mandate are to build a stronger, more inclusive Canada, and to secure a higher quality of life for all Canadians. I will comment on the statements of the Speech from the Throne in respect of the government's commitment to the Aboriginal nations of Canada.

The term "Aboriginal" is not fully defined. Is the government accepting the definition of section 35 (2) of the Constitution which reads: "In this act, aboriginal peoples of Canada include the Indian, the Inuit and the Métis peoples of Canada."

In the Speech from the Throne, there is no mention of Inuit or Métis. There are many Inuit who do not live in Nunavut — their homes are all across the North, in Northern Quebec, Labrador and parts of Manitoba. All treaty First Nations do not live on reserves — they live in the villages, towns and cities of Canada. The Métis people also live in the cities, towns and villages of Canada, both North and South. They have had little opportunity to take advantage of the programs and services offered to other Aboriginal groups.

The non-status First Nations really do fall between the cracks. A good example of this is that a 50-year old woman in a Northern Alberta community, whose nationality is Cree, has lived her whole life in the traditional way. However, she does not qualify for benefits because she has no status. She found bits and pieces of lumber to build a shack. She found cardboard boxes to insulate it. When community leaders tried to get her a trailer they were turned down because they have no status either. They do not fit the criteria.

• (1650)

It is sad that this is not an uncommon situation. This is happening across Canada in Inuit, Métis and non-status communities.

Alberta, through the Métis Settlements Act of 1990 has the only legislated definition of Métis and a requirement for land entitlement. I repeat: Alberta is the only province in Canada that has land set aside for the Métis.

The historical Métis of Western Canada are defined by their genealogical records dating back to Rupert's Land and the provisional government of Riel. Where do they fit in the federal government's commitment to Aboriginal peoples? The government's commitment to work with Aboriginal people to strengthen their entrepreneurial and business expertise has been most successful in this area. Many financial institutions have been established. There are Aboriginal development banks, the Inuit financial agency, Métis business services and, for the Alberta Métis settlements, the Settlement Sooniaw Corporation, to name a few. It is interesting to note, though, that if you are on the reserve, a band council resolution will give you access to the banks. If you are not on the reserve, you have no access to the banks and no access to the credit. The government is doing its best to live up to this commitment but there are still Aboriginal people who fall between the cracks and do not qualify for these programs.

The government is committed to support the community access program and SchoolNet. These programs are critical in bringing rural, remote and Aboriginal communities to a par with the southern half of Canada. To date, many northern schools have been connected to SchoolNet specific to science, thanks to the Canadian Museum of Nature and with the assistance of one of the major hardware and software suppliers in Canada. It is interesting that we can bring this technology to our northern schools but the children still go to school in horse-drawn wagons. There is no infrastructure for the communities, but the schools have sewers and water supplies. Meanwhile, our old people still have to slog through the snowdrifts to go to the bathroom.

The Speech from the Throne mentions only First Nations in strengthening governance. That is a wonderful commitment, but what about the Inuit who reside outside of Nunavut, the Métis and the Métis settlements of Alberta? The Métis settlements maintain that Alberta's Métis Settlements Act of 1990 gives them the existing right to be protected. The Métis Settlement General Council is developing a governance model that must be recognized by our federal government.

The Aboriginal Head Start program is one of the best programs for our children, but, once again, the program has put a greater emphasis on reserves, even though the greater Aboriginal

population live in urban and remote communities. Every child should know his or her history, culture and heritage.

The Métis have their own language, history, culture and heritage. The Inuit have their own language, history, culture and heritage. All First Nations are different in language, culture and history. All children should have the opportunity to participate in this program, to learn their own unique identity and to be proud of who they are as Aboriginals and Canadians.

Health services, including FAS, diabetes, AIDS and tuberculosis, are very serious issues facing all Aboriginal communities. I am encouraged that this government has placed a top priority in this area. By training Aboriginal people in the health sciences, we will make gains. I was impressed when a professor at the University of Alberta commented that there were 20 Aboriginal students training to be doctors. First Nations students receive funding for this; Métis do not. This is just another example of the disparity affecting Métis people.

The Speech from the Throne mentioned the high incidence of Aboriginal people in conflict with the law. The government is researching and working toward a solution to address this tragic reality; yet it has existed for over 50 years. More justice and preventive solutions must be developed and provided.

When every child grows up in a home with no poverty, where there are working parents, where there is a stable environment and a strong sense of identity — only then will all First Nations, Métis and Inuit peoples be able to stand tall. To that end, we are addressing this challenging issue.

In conclusion, all Aboriginal Canadians, regardless of their status or their Aboriginal political affiliation, must be heard. Services must be made equitably available to all. The Speech from the Throne addresses many of the issues that touch the lives of all Aboriginal peoples, but we must recognize the three separate nationalities of Aboriginal people so that all services can be available to all Aboriginal people as identified in the Constitution of 1982.

In the words of our grandmothers, "The road is hard, the struggle is great, but with our faith and our humour we will survive and prosper."

Hon. Mira Spivak: Honourable senators, a number of good environmental proposals can be found in the Speech from the Throne. One of them is the government's intent to develop new standards for toxic substances and contaminants, standards that will reflect the special vulnerabilities of children.

This move is in keeping with the motion unanimously passed by the Senate some 15 months ago, urging the government to establish an office of children's environmental health. We do not yet know how the government plans to proceed, whether by creating the office that we recommended or by revisiting the Canadian Environmental Protection Act or through some other mechanism. I would hope that the details of these plans would be released expeditiously.

The Speech from the Throne also addresses Canada's water and promises that the government will develop stronger national guidelines for water quality, fund improvements to municipal water and wastewater treatment, and invest in research and development. Post-Walkerton, we know there is an urgent need for better stewardship of fresh water and better consumer protection, but it is an open question whether stronger national guidelines will give us more real protection.

Other jurisdictions, such as the United States, have enforceable, legally binding water-quality standards. It is important to see what legislation and program measures are forthcoming to support these policy initiatives. It is also crucial to know what level of new funding will be available for municipal water and wastewater treatment. In the 2000-2001 budget, the government committed \$2.65 billion over the next six years for all types of municipal infrastructure projects. The Federation of Canadian Municipalities, however, identified \$16.5 billion — more than six times the amount committed — needed to replace or upgrade water mains, storage tanks and water treatment plants alone.

Do the government promises in the Speech from the Throne include new funding based on the identified needs?

Similarly, the pledge to invest in research and development to protect surface and ground water is welcome news. How large will it be? What are the funding mechanisms? Will any of this investment find its way to our freshwater research scientists, who have been starved of support for years? Canada has world acclaimed freshwater scientists, but they have been abandoning hope of doing good work in this country because of the design of our grant programs. Their work is not in the interests of corporate partners, and without partners with deep pockets the freshwater researchers do not qualify for federal support.

Dr. David Schindler, the most renowned among these aquatic specialists, has proposed a sane and simple solution. Let researchers receive grants in partnership with Environment Canada, with the Department of Fisheries and Oceans, or with other federal or provincial agencies. Do not make corporate sponsorship a pre-condition of federal support. I hope the Government of Canada will finally listen to those suggestions when determining how to spend its research dollars.

There are other welcome pledges in the speech. There is a promise to quickly implement the Canada-U.S. agreement on smog reduction. There is a promise to invest in new parks and to restore existing parks to ecological health. This is particularly good news for Manitobans who have been waiting for years for the Manitoban lowlands national park to come to fruition and for Manitobans concerned about the Riding Mountain National Park, one of the 10 most threatened national parks in Canada.

• (1700)

The Speech from the Throne also promises legislation to protect species at risk and measures to reduce greenhouse gas

emissions. On the face of it, who could ask for anything more? Unfortunately, it has been repeatedly demonstrated that looks are deceiving.

The Leader of the Government reminded us that the Speech from the Throne is not a specific outline of all legislation. For more specifics, she suggested we look to the Red Book.

On the environmental front, I respectfully suggest that successive Red Books have been a steady source of disappointment. If the government had lived up to its earlier Red Book promises, Canada would be well on its way to achieving a 20 per cent reduction in greenhouse gas emissions. Instead, we have seen emissions climb steadily.

If Red Book promises had been kept, our national park system would have been completed last year, and the ecological integrity of our older parks would not be threatened. We are very far from achieving either objective.

If past promises had been fulfilled, we would have timetable for phasing out the most persistent toxic substances. Enforcement of pollution standards would be stronger. Economic instrument would be advancing environmental protection. None of that has happened in the eight years after those Red Book pledges were put in writing.

Yet, we live in perpetual hope of better things to come. In fact the government is taking steps not mentioned in the Speech from the Throne or in the Red Books. One of them addresses the urgent problem of water export. Legislation has been introduced to prohibit all bulk water removal from 300 rivers and lake along the Canada-U.S. border. That is a good first step, if not the whole solution. Now the provinces must act to protect other potential sources of water exports.

What more can the government reasonably be doing to protect our environment? It can take a leaf — several leaves — from another election campaign book, one rated very highly by environmental groups. The Progressive Conservative Party platform also made clean air and safe water priority items. The difference lies in the means to those ends. The party platform goes beyond voluntary guidelines to protect drinking water. Legally binding and enforceable drinking water standards should be enshrined in a safe water act, says the policy. It is also recognized that activities near municipal wells and the storage of products in the area pose problems. Standards on those activities should be set and harmonized with provincial and territorial governments.

I would also add that the link between corporate farming — huge hog operations, for example — and water quality need urgently to be addressed.

The PC platform also promised to update pesticide laws that are now 30 years out of date, and it promised to put in place pesticide education programs to reduce the cosmetic use of chemicals on lawns and gardens.

On species-at-risk legislation, the PC platform promised a bill that lets scientists, not politicians, decide when species should be listed for protection. That approach to listing does not deny the government's right to do everything — or nothing — to protect an endangered species. The science-based approach, however, does let Canadians know when scientists raise the caution flag. The revised SARA introduced last month takes a somewhat different approach and requires publication of the scientific list, while cabinet would still determine the final list. Jurisdictions that have taken that approach have failed to list threatened species.

The Progressive Conservative vision for a good species law also includes compensation for landowners so that the burden will not fall on the few whose property is home to species at risk.

Honourable senators, I sincerely hope that the Government of Canada will consider amendments to the legislation as it passes through the committee in the other place.

The Progressive Conservative platform had other ideas, such as a safe air act, a tax measure to encourage drivers to purchase low-sulphur fuels, and pollution agreements with industries that would be binding and enforceable. These ideas have not been patented. I am sure that no one would object to the government adopting them.

As good as the PC policy document is — it is hard to remember, the election was so long ago — it does not have a monopoly on good ideas. On climate change, for example, the Pembina Institute for Appropriate Development has both offered a concrete plan for meeting our Kyoto commitment and monitored the results of the government's voluntary plan. In 1998, the last year for which we have data, Canada's greenhouse gas emissions were 13 per cent higher than at the start of the last decade. Meeting our Kyoto commitment will require a 26 per cent reduction below the emission levels that we can expect if we follow the business-as-usual scenario. We have wasted a decade through inaction.

The last Red Book claimed that since 1997 the Government has committed more than \$1 billion to climate change and energy efficiency, but the results, as measured by the increase in emissions, show not only a lack of progress but a deteriorating situation.

The Pembina Institute reported in October that industrial companies, which are responsible for more than 60 per cent of Canada's total emissions, on average increased emissions by 13 per cent. There were notable exceptions. DuPont Canada decreased its emissions by 52 per cent. EPCOR, Ontario Hydro and other electricity generators went the other way. EPCOR's increase stood at 149 per cent.

A month earlier, the institute reported on the performance of provincial governments. All provinces received a very poor, failing grade. The highest score went to British Columbia, and it was a mere 30 per cent grade.

The government's Action Plan 2000, announced last October, if fully implemented, will take Canada only one third of the way to meeting the Kyoto target and only one third of that reduction will be through domestic action. The remainder relies on allowances for carbon sinks and emissions trading.

By contrast, the practical and affordable steps recommended by the Pembina Institute would fill the emissions gap. It recommends better fuel economy for vehicles, expanding transit alternatives and encouraging fuel efficiency. It also recommends fuel taxes, but, of course, no one in his right mind will adopt that. It recommends a switch from coal to natural gas and other sources of energy to produce electricity, an emissions trading system that limits industrial emissions and incentives, and regulations and support for energy conservation. These are common-sense, practical steps.

Clean air is a priority for the Government of Canada, and reliance is placed on the Canada-U.S. agreement to fight smog; but on sulphur, a key ingredient in smog, Canada's plan is much ado about nothing. Carmakers have been pressuring the government for years to upgrade the fuel standards required of refineries. Today, some gas sold in Ontario and Quebec have 23 times the sulphur allowed in California gasoline. Refineries will be required to cut sulphur to 150 parts per million by 2002, but they will not be required to meet the 30 parts per million standard until 2005, by which time other jurisdictions will have reduced sulphur levels even further.

Is it not time, honourable senators, that consumers be given the incentive and the choice to vote with their wallets? A 4 cents-per-litre tax reduction on low-sulphur fuels would do a great deal to advance the move to cleaner air.

While government measures on climate change and smog reduction have been largely ineffective, other parties in Canada have stronger suggestions. In December, a new coalition was formed among oil companies and environmentalists. Calling itself the Clean Air Renewable Energy coalition, or CARE, it recommended to the Minister of Finance two measures that would tackle both climate change and smog and create a thriving renewable energy industry in Canada.

This coalition — with such companies as Suncor Energy, Shell Canada, BP Canada, TransAlta, and environmental groups such as Pollution Probe, the Pembina Institute, and Friends of the Earth — asked the minister to spend unallocated dollars on climate change. They asked for consumer tax credits for people who buy electricity from such renewable resources as wind, solar and biomass. They asked for broader investment tax credits for green power research and development, but there was nothing in the Throne Speech. On that issue, it was silent.

When the Minister of Finance hands down his next budget, I certainly hope that these practical incentives to put Canada on a smart energy path will be included.

Honourable senators, I wish to raise one other matter. It goes back to the first Red Book commitment on the enforcement of our environmental laws and regulations. We can legislate the best environmental laws in the developed world, but they mean nothing if we fail to enforce them.

The Hon. the Speaker: I regret to inform the Honourable Senator Spivak that her time has expired. Is she requesting leave to continue?

Senator Spivak: Yes, I would request leave.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

• (1710)

The Hon. the Speaker: Leave is granted, but before I take my seat, out of respect for Senator Spivak and her remarks, I would remind honourable senators that it is inappropriate to have conversations during the course of presentation by a senator. I will not name anyone, but I note even the most distinguished among us sometimes forget that courtesy.

Senator Spivak: Last year, honourable senators, there were 32 inspectors to enforce federal laws at 27,000 sites. On average, these operations could expect to be inspected once every 36.8 years. In 1998, there was less than one full-time inspector to keep watch at 800 chemical and biotech companies. Responsible chemical companies requested that the government increase inspections. There were allegations that more than 175 companies were manufacturing and importing new productions contrary to federal rules. What happened? Very little.

Today, we have a mere 150 field officers to enforce our pollution and wildlife laws. In fact, Environment Canada officials estimate we need more than double that number to do the job properly. A new species-at-risk law, new standards for toxic substances or any new measure is not worth the paper it is written on unless we stand by it with proper enforcement.

I should like to quote from the recent report of the Auditor General. He looked back 10 years and came to this conclusion:

While there has been some progress, significant challenges remain. For example, the government needs to better manage new toxic chemicals, urban smog and groundwater contamination. And compared with other countries, we are a large per capita consumer of energy and other natural resources and a large generator of pollution and waste.

In a recent article in the *National Post*, the Auditor General added a postscript, a prescription for action, when he said:

Finally the government needs to deliver on its environmental promises. There is a decades-old lack of coordination in the federal government, and between the federal government and the provinces.

There is a record of overpromising and underdelivering. And like other programs, there has been inadequate reporting of achieved results.

[Translation]

Hon. Marie-P. Poulin: Honourable senators, I am pleased today to have the privilege to reply to the Speech from the Throne delivered by Her Excellency the Governor General.

In congratulating our three new colleagues, Senators Morin, Hubley and Tunney, I would invite them to read the Speech from the Throne.

It is first and foremost a speech for all Canadians, without regard for their social position. It is an edifying program of work for this first Parliament of the millennium. The words in it eloquently paint what Canada's future could be.

The Speech from the Throne talks of a society in which everyone has the opportunity to reach their full potential; of a nation attentive and with a hand out to the most disadvantaged; of a country promoting and rewarding success; of a country sharing its wealth; of a country expressing full confidence in the individual and recognizing the vast potential open to us if we work together to realize our shared dream.

We are being invited to play a role in a vision of the future. A vision which is not just some vague notion, but a set of clearly defined goals to help Canada achieve its full potential through a strong sense of confidence in itself and, more important, in its citizens.

We are being invited to take up a challenge, to respond nationally to a rallying cry to all Canadians in the public, private and volunteer sectors to join forces for the common good. One thing is certain and that is that, by placing its trust in its citizens, the government is ensuring that Canada will continue to be a country that others will wish to imitate.

Honourable senators, the government's commitment to its citizens and its confidence in them comes across strongest in its message to our young people, who will build the Canada of tomorrow. In his reply to the Speech from the Throne, the Prime Minister said that, in this era of globalization, high technology research and development, the race goes to the quick. What I am hearing from young Canadians is that they are quick enough to win the race. However, the Speech from the Throne identified the wide array of tools, opportunities and programs that will be available to them so that all children may reach their full potential and thus contribute to the well-being of their family, their community and their country.

Honourable senators, the Speech from the Throne offers us solid foundations on which we can build the future of Canada with the help of our young people. These foundations are health, education, research and development, the family, the environment, disposable income, economic stimulation, international trade, culture, heritage, security, access to information, daily communication through public and private radio and television, the written press, the electronic press, and the Internet. It is an inclusive plan, in its thinking, its values, its details and its target populations.

[English]

Honourable senators, the attention being paid to the home front, however, has not detracted the government from its international responsibilities. Canada's values continue to be advanced globally in the areas of peace, tolerance, sharing, cooperation, security, stability, respect for democracy, human rights and the rule of law. To meet these objectives set out in the Speech from the Throne, either on the home front or internationally, Canada needs not only a strong political will and clear objectives but dedicated professionals. I quote from the Speech from the Throne:

To assist the Government in fulfilling its responsibilities, Canada must have a public service distinguished by excellence and equipped with the skills for a knowledge economy and society. The Government will seek bright, motivated young women and men to accept the challenge of serving their country in the federal public service. The Government is committed to the reforms needed for the Public Service of Canada to continue evolving and adapting. These reforms will ensure that the Public Service is innovative, dynamic and reflective of the diversity of the country — able to attract and develop the talent needed to serve Canadians in the 21st century.

The Prime Minister responded on January 31 as follows:

We on this side of the House believe that an activist government can be a force for good in society. An activist government requires a first class public service. I am proud of our public service. The government will take all necessary steps to ensure that we continue to have the talent necessary for a public service that is committed to excellence, and we will make the necessary reforms to modernize the public service for the requirements of the 21st century.

Yes, honourable senators, this is an invitation to all of us to ensure that all of our youth, from coast to coast to coast, have an

opportunity to not only take advantage of but also contribute to the objectives set out in this Speech from the Throne.

On motion of Senator Bolduc, debate adjourned.

• (1720)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

On the Order:

Resuming debate on the motion of the Honourable Senator Gustafson, seconded by the Honourable Senator Banks:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it; and

That the Committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.—(*Honourable Senator Robichaud, P.C.*)

Hon. Jack Wiebe: Honourable senators, at the conclusion of some very brief explanatory remarks, I should like to move an amendment to this motion.

The motion was presented by Senator Gustafson and seconded by Senator Banks. It deals with setting up the Senate Agriculture and Forestry Committee. There are two distinct parts to this particular motion. In conversation with the chairman of the Agriculture Committee, Senator Gustafson, this morning, we felt it better that we divide the two paragraphs. Thus, we would submit another motion dealing with the actual expenditures and the budget that goes along with the Agriculture Committee.

MOTION IN AMENDMENT

Hon. Jack Wiebe: Therefore, honourable senators, with the cooperation of Senator Gustafson, I would like to move:

That the motion be amended by deleting the word "and" at the end of first paragraph and by deleting the final paragraph.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, for clarity, is it the intent of the mover of the motion that the semicolon following the word "it" be changed to a period and that everything else be deleted?

Senator Wiebe: Yes, honourable senator, that is correct. I felt that if I included that in my amendment it would stretch on for quite a while.

The Hon. the Speaker: I take it, Honourable Senator Wiebe, that you are agreeing to a further change to your amendment, as suggested by the Honourable Senator Kinsella?

Senator Wiebe: Yes.

The Hon. the Speaker: Is leave given, honourable senators, to make that change?

Hon. Senators: Agreed.

Motion in amendment agreed to.

The Hon. the Speaker: I will now put the main motion.

It was moved by the Honourable Senator Wiebe, seconded by the Honourable Senator Banks, that the Standing Senate Committee on Agriculture and Forestry have the power to engage the services —

An Hon. Senator: Dispense!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Senators: Agreed.

Motion as amended agreed to.

BLACK HISTORY MONTH

PRESENTATION TO CANADIAN BAR
ASSOCIATION—INQUIRY—DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of February 20, 2001:

That she will call the attention of the Senate to the celebration of Black History Month in Canada, and the Canadian Bar Association of Ontario dinner in Toronto on February 1, 2001, at which she, as the keynote speaker, spoke to the topic "A Room With a View: A Black Senator's View of the Canadian Senate."

She said: Honourable senators, February was Black History Month and across this country there were many celebrations in which my name was raised frequently as the first Black person to be appointed as a member of the Senate of Canada. My role as a

senator is important to Black people and all Canadians. Most Canadians are aware that I always stand on issues and never rel on my race or my gender. In my political experience, my skin colour has never been a factor in obtaining public support. My public support is significant. I am honoured that so many Canadians in every province of this country deeply believe in me. To be sure, there are racists, bigots, prejudiced and race-minded persons; however, such persons, wherever they may be, remain a minority in our population. They can be and are oppressive and objectionable as they subject many Black persons to diminution, to hurt and to various privations. However, I believe that this minority embarrasses the majority of Canadian

Honourable senators, my subject today is my speech on February 1, 2001, to the Canadian Bar Association of Ontario dinner in Toronto in celebration of Black History Month. The history of Canada and its Black peoples is quite different from even contrary to, American history. The major difference was the notion of the Crown and the Queen. In Canada, unlike in the United States, no civil war had been fought and no Black person had ever been lynched. The reason is no accident. The reason is the powerful, overarching, systemic, mystical, phenomenon called the Crown, with Queen and Parliament. The reason is the unique constitutional relationship of allegiance between Queen and subject, buttressed by its corollary the Queen's peace. The Queen's peace, the constitutional precept that every subject's life is inviolable and sacred, that every subject's life is owed the Queen's protection, was a part of Canada's national psyche and national conscience. Hence, the lynching of Black people was unknowable and unknown in Canada.

Honourable senators, some months ago, Toronto criminal lawyer John Rosen, who chaired the dinner, had asked me to address this bar association gathering on the topic "A Room With a View: A Black Senator's View of the Canadian Senate." That evening, I was touched by the excellent attendance and the warm, personal welcome. I was especially pleased to see our Black judges, Mr. Justice Keith A. Hoilett, of the Ontario Superior Court, and Mr. Justice Vibert A. Lampkin and Mr. Justice Gregory Regis, both of the Ontario Court of Justice. I saw Toronto criminal lawyers Walter Fox, Cynthia Wasser, and Law Society of Upper Canada Benchers Gary Lloyd Gottlieb, Former colleague Senator Marian Maloney, whose husband is a judge, sat next to me and the judges. Many Black and White lawyers, law students and others attended. Toronto barristers Vusumzi Msi and Michelle Hamilton introduced and thanked me.

• (1730)

Honourable senators, I began by citing Sir Lyman Duff, Chief Justice of the Supreme Court of Canada from 1933 to 1944, from his speech to the Annual Dinner of the Ontario Bar Association in May 1925. Sir Lyman had been talking about the Privy Council and the great lawyers who had been members of Parliament, public men, and who became Lord Chancellors and judges, particularly Sir George Mr. Jessel, Britain's nineteenth-century Solicitor General under Liberal Prime Minister William Gladstone.

Sir Lyman said:

There you will meet the name of Jessel, the Jewish son of a fishmonger. He obtained a seat in the House of Commons, made a few political speeches, that attracted precisely the attention they deserved, which was none. But one day a legal question arose, that greatly interested Mr. Gladstone, who was then Prime Minister. On that question Jessel made a speech, and, a vacancy having occurred shortly afterwards in the office of Solicitor General, Jessel was at once appointed on the initiative of the Prime Minister himself. The great Liberal leader used to say that Jessel, speaking in the House of Commons on a legal question, spoke in the accents of an angel; while on politics he was incapable of anything but partisan commonplace. Mr. Gladstone was not particularly fond of lawyers as a profession. He always objected to the salaries of the judges as much too high. He was horrified at the fees earned by the law officers of the Crown. He used jocularly to say, glancing at those same fees, that lawyers in public life had one sovereign infirmity — they could never keep their hands out of the till; and, he was wont to add, there was one exception, and that was Jessel, the Jew. Jessel was the darling of solicitors. He despatched judicial business with miraculous rapidity. Only once, it is said, in his judicial career did he reserve a judgement. Never, I believe, was he reversed.

This evoked much amusement. John Rosen and others chuckled loudly. Reaching out to the younger Black lawyers, I emphasized that Jessel, later the first Jewish judge in England, was made a law officer of the Crown, not because he was a Jew, but because he knew the law and was just. I urged those lawyers, young and old, to know the law and to know the difference between the law, politics and interests, in particular self-interest, and to pursue virtue.

Honourable senators, I spoke about former Liberal Prime Minister Pierre Elliott Trudeau and my 1984 Liberal appointment to the Senate by him, and about many issues, including divorce, the importance of both fathers and mothers in children's lives, and about systemic institutionalized, legalized fatherlessness. I told the lawyers that men and women are equally capable of good acts and bad acts, and that virtue and vice are human characteristics, not gendered ones. This attracted much applause. I also spoke about the Senate and its role in the Constitution.

Honourable senators, I raised the name of William Wilberforce, believing that no Black History Month should pass without mention of this great member of Britain's House of Commons from 1780 to 1825. Wilberforce, an evangelical Anglican, and others had worked in Parliament for 40 years to

abolish the slave trade and slavery. They succeeded. Another abolitionist, John Wesley, an Anglican minister and founder of the Methodist Church, in March 1791, just days before he died, wrote a letter to William Wilberforce, recorded in Samuel Wilberforce's 1868 book *The Life of Wilberforce*, saying:

...I see not how you can go through your glorious enterprise, in opposing that execrable villainy which is the scandal of religion, of England, and of human nature. Unless God has raised you up for this very thing, you will be worn out by the opposition of men and devils; but if God be for you who can be against you...Go on in the name of God, and in the power of His might, till even American slavery, the vilest that ever saw the sun, shall vanish away before it. That He who has guided you from your youth up may continue to strengthen you in this and all things, is the payer of your affectionate servant, JOHN WESLEY.

Reverend Wesley cautioned Wilberforce on the insufficiency of trusting in one's own righteousness and worthiness. As a senator, I understand too well that even with the whole force of truth, with being righteous and judicious on one's side, and even with rational argument and the powers of moving eloquence on one's side, victory and justice are uncertain and are often elusive for reasons that are profoundly human. The human psyche and human nature are artful dodgers. Human frailty, weakness, cowardice, vanity and inadequacy will defeat good and will permit and even support a multitude of wrongs. Human insufficiency is sobering and staggering.

Honourable senators, the Bar audience knew that I am Canada's first Black senator, the first Black female member of the Parliament of Canada, the senior female senator, and the Liberal caucus' very first Black member. They were eager to hear of my experiences as a Black person in the Senate, the Liberal Party and in politics.

I told them about being a candidate in the federal general elections of 1979 and 1980 in the Toronto riding of Rosedale. I told them of the great mutual respect and admiration that the late Pierre Elliott Trudeau and I had shared. I told them about being one of his loyal candidates in that very deadly general election in 1979 in which Mr. Trudeau and his Liberals were defeated, and in which Mr. Trudeau was almost destroyed, politically and personally. I told them that, as a Black person, it was indeed novel when I had presented myself in 1978 as a contestant for the Liberal nomination to be the Liberal candidate for Toronto's Rosedale.

Certain Liberals were shocked. Certain Liberals said much, publicly and privately, about me not being the right person for that important riding. The rightness to Rosedale riding revolved around my complexion, my skin colour. Tellingly, then as now, my public support was much more than substantial, especially in Rosedale itself.

Nominations are a battle of numbers. I had regiments, in fact armies of people. This nomination meeting, with only two candidates, was so huge that Liberal Party personnel had had difficulty finding a location large enough to hold it. In fact, the nomination meeting was postponed several times, each time in search of a larger locale and was held finally in the spring, on April 6, 1978.

Honourable senators, the meeting was enormous, the largest ever, attended by many thousands of people. It was widely publicized. In an unprecedented and unusual act, Prime Minister Trudeau himself attended, arriving after the votes had been counted. Mr. Trudeau attended this exceptionally large publicized media event because coincidentally that same day was his tenth anniversary as Leader of the Liberal Party.

Even though I lost that 1978 nomination to John Evans, then President of the University of Toronto, that nomination process burst into public consciousness and was claimed by the public. That Rosedale nomination and those events changed Canadian politics forever.

"En passant," the National Film Board made a documentary about that nomination and me. Inspired by certain Liberals' preoccupation with my adequacy for Rosedale, the National Film Board titled its film *The Right Candidate for Rosedale*.

Honourable senators, immediately following that spectacular spring Rosedale nomination meeting and others that publicly displayed backroom manipulation and other Liberal failings, the Liberal Party's fortunes plummeted dramatically. This dramatic downward trend continued unswervingly to the fall and that October's stunning massive by-election losses — 13 out of 15 candidates. In Toronto, some Liberal candidates lost by a margin of almost two to one, including Rosedale's. This culminated in the 1979 Liberal Party's defeat in the general election, in which I, having later won that 1979 nomination, was the candidate in Rosedale.

During that 1979 election, I saw some of the most coarse human behaviours, even people spitting on people, Liberal people. I stood firm in the face of unspeakable and despicable anti-Trudeau actions. I carried his standard raised high. Many of the young Black lawyers were amazed as I said that whenever my campaign signs were defaced by the word "nigger" or other vile terms, that then, as now, I made no issue publicly. I acted to protect my leader, my party and my team. We simply removed those defaced signs and replaced them.

I was determined that there would be no racial or other stain on Mr. Trudeau. That responsibility was put on me by unthinking

Liberals. I successfully averted the negative consequences to Mr. Trudeau and to the Liberal Party of those certain Liberals' backward, unreasonable and short-sighted musings on the rightness and wrongs of my Black skin and their dubious musings that a Black person, a woman at that, was not suitable to be the Liberal Party's candidate in Rosedale. I learned very early there and then, that my journey in the Liberal Party would be steep and uphill, and that my ground would have to be the high ground, or at least higher ground than my detractors.

Honourable senators, I spoke to the lawyers about being Black in the Senate, mindful that many Canadians are curious about why, as a senior senator with such significant public support, have never held any senior position in the Parliament of Canada. I told my audience that human nature is imperfect, and consequently, so are society's leaders, and that it is imperative that leaders aspire to ideals and principles that are higher than their own human nature and their own needs. Failure to so aspire will result in leadership based on self-interest, personal fancy, vanity and ambition, what St. Augustine called the *libido dominandi* — the lust for dominion, for personal power. I told the audience that racism and race-mindedness are real, yet eminently conquerable, and that they can and shall overcome it. I told them that in the corridors of Parliament, racism and bigotry are delicate subjects. Human beings have difficulty with their own prejudices and their own insufficiencies. To make this point I cited Benjamin Franklin at the 1787 American Constitutional Convention. He said, in part, the following:

• (1740)

For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views.

This provides some insight into the human condition, the paucity in human behaviour, particularly within organizations of public and political life. It also sheds some light on the peculiar set of human relations and dynamics that assemble in the social unit known as political party parliamentary caucuses. Further, human paucity is heightened in the context of party caucuses because caucuses are a secret, and because secrecy, by its nature, possesses a large element of darkness.

The Hon. the Speaker: Honourable senators, I regret to interrupt the honourable senator but her time has expired. Does the honourable senator seek leave to continue?

Senator Cools: Yes, Your Honour.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Cools: I thank honourable senators.

Caucuses are ruthless, and that secrecy can and does enhance and shield such ruthlessness. Often, caucus secrecy is a shield for much maltreatment, as some cloak their activities in the justification of party and party discipline, even when there is neither party nor public good involved. Often, the real human forces at work are greed, power, jealousy, and all those other passions that Benjamin Franklin listed. Membership in a party caucus is premised on the harsh fact of take it or leave it, best illustrated as either the total endurance of all assaults, or total abandonment, that is, the yielding of all, the whole ground to the assaulters.

Party caucuses have become a rough and brutal trade where unlimited hardship and injury are meted out to caucus members to the limits only of their ability to suffer them. Oftentimes, those injuries are unchecked by the leaders, sometimes even supported. Party caucuses employ many techniques of injury and maltreatment. These include humiliating, discrediting, thwarting, undermining, embarrassing, maligning, isolating, deceiving, spitefulness and other negative tools. Caucus is a secret and beyond the law. I have known unbridled brutishness. The phenomenon and practices of caucus as a social unit of human relations is needing introspection, principled and critical examination, and enlightened renewal and change.

Honourable senators, I told the lawyers that as a senior senator my seniority and precedence have been continually bypassed. I told them that, for example, as a senior senator I have never been permitted to be a chairman of a single Senate committee. En passant, many wondered why I was bypassed to be the Senate Chair of the 1998 Special Joint Committee of the Senate and of the House of Commons on Child Custody and Access. Public support notwithstanding, the fact is that it was uncertain that I would even be permitted to be a member of that committee. I explained that even though seniority and precedence dictate that senior senators should have first choice of committees that this had not been so in my instance and that I had been excluded from certain committees of my choice. Last year, after years barred, I was finally permitted to serve on one particular Senate committee. Interestingly enough, a particular bill came to the Senate, a bill that I had studied exhaustively. This bill should have gone to that committee. Instead, it found itself in a new special committee, to which I was not named a member, specially constituted to study the bill solely. The obvious result was the exclusion of my voting participation in that committee's study of that bill.

Similarly, in recent years, I had caused the Senate to amend three government bills. Three times, the parliamentary opportunity, that parliamentary action of formally moving the amending motions to those three bills, was denied to me and was denied to the record, Parliament's Hansard, and to our history — remember that this was Black History Month, honourable senators. Uncustomarily, in an unprecedented action, on one of those bills, that parliamentary opportunity denied to me was

granted to an opposition Conservative senator, and that even after some Liberal senators had spoken publicly in the media about removing me from the committee in question. I told of my condition in my Senate Liberal caucus, of my Senate condition. Mindful that caucus is a secret, I spoke only of that which is not a secret. In the lexicon of existentialism, I told my audience that within my own caucus I am a stranger, an exile. A just relation with my caucus is unknown to me.

Honourable senators, I move now to the question of moral leadership. I offered my Bar audience, my lawyers, classical Judeo-Christian principles that founded our society. I offered them the pursuit of virtue. I offered them forbearance, patience and perseverance in the face of adversity. When I told them that I am aware that some individual Liberal colleagues have even described me as a "Black bitch," they were surprised at my forbearance and magnanimity. I told the Black people there that they should not be deterred, that for every act of racism directed at them there are 10 opportunities available and that they should use them. I assured them that the majority of Canadians are with them and that most Canadians are deeply embarrassed by those Canadians who are racist, bigoted and race-minded. I told them to ignore all slights and insults from those who are tyrannized by their own prejudices. I invited the young Black lawyers to cast off all prejudice and any and all notions of inferiority, limitation, inadequacy and restraint. I told them to aspire to the highest and to the noblest, and to engage in the politics and affairs of our nation. I also told them that virtue should be their goal and that virtue is the highest object.

In challenging my legal audience to pursue virtue, I said that not to pursue virtue is to pursue raw self-interest, raw ambition and greed. I told them that the law should promote virtue. I quoted St. Thomas Aquinas from his opus magnum *Summa Theologia*:

Planning for the general good belongs to the people as a whole or to someone representing them, since those pursuing the goal must do the planning for it. *The aim of legislation, according to Aristotle, is the fostering of virtue.*

On completing my speech, the Bar Association audience then entered into a profound standing ovation of very prolonged applause.

Honourable senators, in conclusion, I speak now to some peculiar forms of race-mindedness, of Black racial stereotypes and the dynamics between the stereotyped and the stereotyping. These dynamics are attended by two impulses, the patronizing impulse, being that tendency to patronizing benevolence, and the hostile impulse, being that tendency and instinct to antagonism. This form of race-mindedness is the intellectual and political subordination of Black persons and their resulting separation.

In a 1991 United States Senate Judiciary Committee hearing, Justice Clarence Thomas identified this phenomenon. He described the expectation of the conformity of Black people to certain stereotypes as "objectionable." Many Black people simply do not fit the expected Black racial stereotypes because they, like all people, are individuals and differ accordingly. Their demeanour, conceptual framework, their speech styles, their intellectual and political outlook do not necessarily conform to stereotypes. This non-conformity, this difference between them and the stereotype, disrupts those with closely held stereotypes of expected behaviour of Black people. That distress, a form of resentment, is often expressed as antagonism, the hostile impulse, in contrast to the patronizing impulse based in the recognition by colour alone and not merit. Accomplished Black people in professional environments know these forms of race-mindedness and their consequences. The ultimate result is exclusion, separation — it is an apartheid — of Black persons as their intellectual and professional participation is blocked. This systematic blocking of full participation, this persistent absence of such Black persons' views, usually with no debate, and sometimes with persistent and intense antagonism, is race-mindedness, and it is a particular form of racism.

• (1750)

In closing, honourable senators, I should like to say that racism is real — it exists. The particular form of racism that I just described is one that I know very well, having experienced it often.

However, this is here and now; this is Canada, a great country. I love Canada. I have much support here. I say to Canadians that I love them all. I am with them; I am a soldier; I will fight on.

On motion of Senator Kinsella, debate adjourned.

FISHERIES

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau, pursuant to notice of March 1, 2001, moved:

That the Standing Senate Committee on Fisheries be empowered to permit coverage by electronic media of its

public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY MATTERS RELATING TO FISHING INDUSTRY

Hon. Gerald J. Comeau, pursuant to notice of March 1, 2001, moved:

That the Standing Senate Committee on Fisheries be authorized to examine and report upon the matters relating to the fishing industry;

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than March 31, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Gerald J. Comeau, pursuant to notice of March 1, 2001, moved:

That the Standing Senate Committee on Fisheries have power to engage the services of such counsel and technical clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bill subject-matters of bills and estimates as are referred to it.

Motion agreed to.

The Senate adjourned until Wednesday, March 14, 2001, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, March 14, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, March 14, 2001

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE JOHN MORROW GODFREY, Q.C.

TRIBUTES

The Hon. the Speaker: Honourable senators, we begin today's session with tributes to the Honourable John M. Godfrey, former senator, whose death occurred on March 8, 2001.

Hon. Joyce Fairbairn: Honourable senators, last week we lost a very proud warrior and a friend with the passing of our former colleague John Godfrey at the age of 88. For 14 years during the 1970s and 1980s, this very vigorous Torontonians served with skill and determination in this institution, which he regarded with both respect and affection.

John was a striking character to behold. He was a giant of a man, impeccable in his pinstripe suits and well-tended moustache. He was a military man and a formidable corporate lawyer, educated at the Royal Military College in Kingston and a silver medallist at Osgoode Hall Law School.

During the Second World War, John Godfrey was a pilot and squadron leader with the Royal Canadian Air Force in the United Kingdom and France and he retired as a wing commander. He then settled down in the law firm of Campbell, Godfrey and Lewtas, but he did not isolate himself in the business world of Bay Street. In addition to his work as Chairman of the Canadian Tax Foundation and a variety of other international concerns, he also was the Founding Director of the Canadian Opera Company, a member of the Canada Council, and Honorary Chair of the National Ballet School.

Along the way, John directed his considerable drive and talent to the Liberal Party of Canada and was a driving force as the head of its National Finance and Treasury Committee from 1968 to 1974.

To put it mildly, John Godfrey got the job done in style and in abundance. He was tough as nails but had a heart of gold, which I came to appreciate as a new senator back in 1984. I have to admit that with this towering distinguished figure, my first inclination was to stay out of his way. However, his twinkling blue eyes, his sense of humour and his propensity to call a spade a spade converted me to become both a friend and an admirer.

His work here provided a strong example for a newcomer. Using his professional background, he was a hard-working

member of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations, the Banking, Trade and Commerce Committee, the National Defence Committee and the Special Senate Committee on the Constitution.

John was always known as a straight shooter, which became clear right at the start with his maiden speech in the Senate, back in December of 1973, on the Foreign Investment Review Act.

• (1340)

Before he began, John made a point of setting out his background as a lawyer in a firm with a constant clientele of foreign-controlled Canadian companies, many of which could have been affected by the legislation. He told colleagues right off the top that in his career in this institution, he would make a constant effort to make sure that anything he said or did in this chamber, and I quote:

...would not in any way be influenced by the fact that it might affect a client of my firm and that I will in no way allow my professional interest to conflict with the proper discharge of my duties as a Senator.

Honourable senators, John Godfrey was described in many ways by many people. He may today be considered as a voice of the "old school" of politics or as a "patrician" in the ranking of society. In my view, his actions and words defined the title of "honourable senator" that we all carry. He cherished this place and its role in the country he loved. He never forgot the friendships he made here.

I can think of nothing that caused him greater joy than to see his son John become a member of the House of Commons, the Member of Parliament for Rosedale, the designation of Senator Godfrey's own position here. His son John, now in the House of Commons, is carving out a special and tremendously important role as an activist for the rights and development of opportunities for all children in Canadian society. His father would be enormously proud.

Our sympathy goes out to his wife, Mary, and all the family who may be assured that John Godfrey's contribution will remain a part of the history of the Senate of Canada.

Hon. Lowell Murray: Honourable senators, at its best, a second parliamentary chamber, a reviewing and revising chamber, a policy chamber such as our Senate, can call on the talents and commitment of citizens like John Godfrey. His wide learning, his distinction as a lawyer, his lively intellect, his interest in many areas of public policy, his service to Canada overseas during World War II, and his long and devoted voluntary leadership in the arts in peacetime let him make a memorable contribution to Parliament over a period of 14 years.

If one happened to be leaving the chamber when Senator Godfrey stood up to speak, one returned to one's seat to hear him. One came to expect the unexpected from him. One could also expect an intervention that was original, substantive and usually provocative. He was tough-minded but fair-minded. He wanted what was right for our institutions and our laws. He was pretty sure he knew what was right and, once convinced, he was not easily nor perhaps ever dissuaded.

I last saw Senator Godfrey in December 1998 at the funeral of our late colleague Senator Peter Bosa. I remarked how well he was wearing his years, but he ignored the compliment and let me have a pithy observation on some current matter of public policy coupled with a short, sharp comment on the parking arrangements at the church.

How wonderful for him and those close to him that he lived so long, so fully and passionately engaged. How wonderful for Canada to have had the benefit of his life and service.

Hon. Senators: Hear, hear!

Hon. Peter Stollery: Honourable senators, I also rise in memory of Jack Godfrey, our former colleague who passed away last week. Jack and I were members of the Liberal caucus for many years, both while I was a member of Parliament and while I was here in the Senate. Many senators have come and gone since Jack retired in 1987, something to which I find that I must continually adapt. Many here may not have known him, but he was a good senator and a good companion. I wish to express my condolences to his family.

Hon. Lorna Milne: Honourable senators, I knew the Honourable John Godfrey mainly through the eyes of my husband, Ross Milne, who was a member of Parliament in the mid-1970s and who chaired the Liberal caucus during that time. Ross has many fond memories of John. I will quote what Ross told me last night:

Senator Godfrey was a great guy. He was probably the most loyal senator of his day in terms of attending Liberal caucus, national, Ontario and caucus committees as well. He took a very active part. He was a mentor and a great friend to new MPs. To me, he was just a good and reliable friend. He was a wealthy man, but he came to Ottawa to do what he could for Canada. The only time I heard him complain was when he said, the last time I saw him, that he was just getting too damned old to do what he wanted to do.

Senator Godfrey's commitment to the Senate and the legislative process was truly remarkable. During his years in the Senate, he prided himself on the work he did examining budget tax and banking measures with a fine-tooth comb. He was total fearless in his pursuit of fairness and clarity in these areas, defending the interests of the Canadian business community.

There were more than a few times when finance ministers squirmed in front of the steely blue gaze and the exacting questions of Senator Godfrey; but if the senator's work in committee is notable, the fundraising that he did for the Liberal Party of Canada can only be described as the stuff of which legends are made.

For almost two decades, Senator Godfrey was the man that the Liberal Party turned to in an effort to fill the party's war chest. As he visited boardroom after boardroom across the country, this is exactly what he did. Over the years, Senator Godfrey raised millions of dollars for the Liberal Party of Canada, long before the days of mass mailings or dinners that cost \$500 or \$1,000 per plate.

Senator Godfrey's style of fundraising was remarkably non-partisan. His message to the corporate world, where he found most of his dollars, was simple. He truly believed that donating to political parties made businesses good corporate citizens and that they should promote democracy and free markets by contributing to parties of all stripes. In fact, in an interview with *Maclean's* magazine in 1978, he said quite bluntly:

It always seemed to me completely illogical, if a contribution was made by a public company on a non-partisan basis, that the party in power should receive more than the official opposition. To me, such a practice might logically suggest, particularly to the cynical, that the donor was looking for something for his money...

I do believe that Senator Godfrey's commitment beyond mere partisanship remains one that all honourable senators and, indeed, all parliamentarians should heed. We are blessed in Canada to live in a truly open democracy. Parliamentarians should all remember that members of another party are not much the enemy as they are the other side of the coin.

Senator Godfrey's respect for all parliamentarians won him many friends here and in the other place over the years. His dogged work on legislation has left a lasting legacy and the respect of one and all.

Anyone who was here in Ottawa when Senator Godfrey was here has lost a good friend.

Hon. Anne C. Cools: Honourable senators, I join colleagues on both sides of the chamber in paying tribute to John Godfrey.

As we know, Senator Godfrey was a Toronto man. In fact, Senator Godfrey's designation was Rosedale.

John Godfrey was a very good lawyer and an exceptionally bright and able gentleman. I knew him as a senator. I also knew him as a supporter because John Godfrey was a strong supporter of me when I ran in Rosedale. To that extent, I join with all honourable senators to express our deepest and warmest feelings to his entire family.

• (1350)

ROUTINE PROCEEDINGS

SCRUTINY OF REGULATIONS

REPORT OF STANDING JOINT COMMITTEE
PURSUANT TO RULE 104 PRESENTED

Hon. Sheila Finestone: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to present the first report of the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations, which deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Finestone, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

LIBRARY OF PARLIAMENT

REPORT OF STANDING JOINT COMMITTEE
PURSUANT TO RULE 104 TABLED

Hon. Jane Marie Cordy: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I am honoured to table the Report of the Standing Joint Committee on the Library of Parliament, which deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

[Translation]

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE
PURSUANT TO RULE 104 TABLED

Hon. Pierre Claude Nolin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report by of the Special Senate Committee on Illegal Drugs,

which deals with the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

For text of report, see today's Journals of the Senate.

[Later]

OFFICIAL LANGUAGES

REPORT OF STANDING JOINT COMMITTEE
PURSUANT TO RULE 104 PRESENTED

Hon. Shirley Maheu: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Joint Committee on Official Languages, which deals with the quorum and the expenses incurred by the committee during the Second Session of the Thirty-sixth Parliament.

For text of report, see today's Journals of the Senate.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

INTER-PARLIAMENTARY UNION

REPORT OF CANADIAN GROUP ON ONE HUNDRED FOURTH
INTER-PARLIAMENTARY CONFERENCE TABLED

Hon. Sheila Finestone: Honourable senators, I have the honour to table the report of the Canadian Group of the Inter-Parliamentary Union which represented Canada at the 104th Inter-Parliamentary Conference held in Jakarta, Indonesia from October 12 to 21, 2001.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT
DEBATE—REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the report of the Canada-Europe Parliamentary Association delegation which represented Canada at the European Bank for Reconstruction and Development debate held in London, England, from January 16 to 20, 2001.

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY SESSION FROM
JANUARY 20 TO 27, 2001—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I also have the honour to table the report of the Canada-Europe Parliamentary Association delegation which represented Canada at the Council of Europe parliamentary assembly's plenary session in Strasbourg from January 20 to 27, 2001.

[Translation]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Lowell Murray: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Later]

[English]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE STANDING JOINT COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Shirley Maheu: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Joint Committee on Official Languages have power to sit during sittings of the Senate; and

That a message be sent to the House of Commons to inform that House thereof.

QUESTION PERIOD

CANADIAN BROADCASTING CORPORATION

FUNDING AND MANDATE— COVERAGE OF ALBERTA PROVINCIAL ELECTION

Hon. Ethel Cochrane: Honourable senators, I have a question for the Leader of the Government in the Senate. Will the Leader of the Government confirm that the CBC continues to receive hundreds of millions of dollars in government funding each year and that, in return, the CBC has the responsibility in its mandate to report to Canadians on news events in each of the regions of Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question. There is no question that the CBC receives substantial

government funding. Its mandate, as I understand it, is to explain Canadians to Canadians.

Senator Cochrane: Honourable senators, I have a supplementary question.

On Monday, March 12, there was no live coverage of the election results in Alberta on the CBC or CBC Newsworld in Eastern Canada, nor was there coverage on CTV, CTV News or Global. My concern, though, is with CBC, because of its federal funding and its mandate.

I thought it was rather curious and ironic that the CBC or Newsworld would ignore the Alberta election, while two hours of excellent coverage was available in French on RD. Many Eastern Canadians thought that was outrageous, and they have told me so. Does the Leader of the Government share this concern?

Senator Carstairs: Honourable senators, absolutely, I share that concern. Alberta is a province of this country, and despite the fact that I might not have been particularly happy with the results of that provincial election, it is incumbent upon a provincial election to be covered by CBC, or at least its affiliate Newsworld. I think that the question that Senator Cochrane raised is one that she should take up with the CBC, and I will do so as well.

Senator Lynch-Staunton: Who will get the answer first?

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— FEDERAL COURT DECISION ON COMPETITION PROCEDURE

Hon. J. Michael Forrestall: I have a question for the Leader of the Government in the Senate. A news release came across my desk this morning, for immediate release.

Charlottetown— Liberal Leader Jean Chrétien today declared the Liberal government would bring a different set of priorities to Ottawa, and cited as an example the cancellation of Kim Campbell's multi-billion dollar Cold War helicopter program.

"More than anything, this election is about priorities and about competence," said Chrétien. "That is why I am taking this opportunity early in the campaign to restate the Liberal Party's opposition to these helicopters."

Honourable senators, that makes interesting reading on the bulletin board at Shearwater, believe me.

My question for the Leader of the Government has to do with what was suggested yesterday, with a recent decision by the Federal Court. I would like her opinion as to what the court meant when it said the evidence presented to it may

...demonstrate that the procurement procedure suffered from "patent politicization" within the Department of National Defence.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, far be it from me to interpret a court statement. I leave that up to the court itself.

Senator Forrestall: I did not think that I had asked the honourable senator to interpret it; I asked her what her opinion was. Perhaps she does not have an opinion about the safety of pilots.

• (1400)

I withdraw that comment, honourable senators. Of course she does, but I also reject the minister's response out of hand. When the courts read the riot act, I would have expected some kind of reaction.

REPLACEMENT OF SEA KING HELICOPTERS— CABINET COMMITTEE OVERSEEING PURCHASE COMPETITION

Hon. J. Michael Forrestall: Yesterday, honourable senators, the Minister of National Defence, in committee in the other place, admitted that there was a special committee of cabinet chaired by the Deputy Prime Minister to monitor the Maritime Helicopter Project. Can the Leader of the Government explain the role of the Gray committee that oversees that project? Who are the members of that special committee?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I do not know the membership of the committee, but if I can obtain that information, I will provide it to Senator Forrestall.

I believe the committee's role is very clear. It will give the government the best possible advice on the purchase of the replacements for the Sea Kings — replacements that I know the honourable senator and I want sooner rather than later.

Senator Forrestall: Is it because there were two committees within the Department of National Defence, the so-called Dempster committee and the new Senior Management Oversight Committee, and the two groups outside DND, namely, the Privy Council Office and now the Gray committee — a fact admitted to, as I suggested yesterday, by the Minister of National Defence — who had their hands in the Maritime Helicopter Project? Why the unprecedented political scrutiny, which the Canadian Search and Rescue Helicopter Project did not receive, concerning the ship-borne military project? Why scrutiny for one and not for the other?

Senator Carstairs: It is clear, honourable senators, that the government wants to ensure that it gets the best value for its dollar, while at the same time ensuring that the Canadian Forces have the best vehicles necessary for their work generally, particularly with respect to the Maritime Helicopter Project for search and rescue work. If that requires a thorough evaluation,

re-evaluation and re-evaluation again, then let us do the very best we can because we are engaged in a considerable expenditure of dollars on this project.

Senator Lynch-Staunton: Delay, delay, delay.

Senator Forrestall: Honourable senators, I am forced to ask a final supplementary question. Do I understand the Leader of the Government to be saying that this whole process — now probably six committees looking at helicopter purchases — is designed to ensure that the Canadian public get the best helicopter for their invested dollar? If that is so, I am pleased to hear that we seem to be leaving the lowest-dollar-compliant position.

Senator Carstairs: Honourable senators, I have indicated and I will indicate again that the government wants good value for its money. The government also wants excellent equipment for the Canadian Forces. I do not see those as two opposites. Perhaps the honourable senator does.

HEALTH

APPOINTMENT OF LEADER OF THE GOVERNMENT AS MINISTER RESPONSIBLE FOR PALLIATIVE CARE—PLAN OF ACTION

Hon. Eymard G. Corbin: Honourable senators, I hold in my hand a press release entitled "Leader of the Government in the Senate takes on Special Responsibility for Palliative Care." It reads:

Prime Minister Jean Chrétien today announced that the Honourable Sharon Carstairs, Leader of the Government in the Senate, will take on special responsibility for palliative care...

May I be allowed to congratulate Senator Carstairs for this appointment?

Senator Lynch-Staunton: Question?

Senator Corbin: Honourable senators, in no way, shape or form is this a planted question. I know the minister has the knowledge to carry out this mandate, and I am personally assured that she will perform with great dedication.

My question to the Leader of the Government is this: What is her battle plan?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me begin by thanking the honourable senator for his question. I did get a copy of the press release. I must confess that I put it on Senator Corbin's desk because he, along with Senator Roche and others in this chamber, such as Senator Keon and Senator Pépin, have been extremely supportive with respect to the development of the strategy on palliative care in Canada. I am absolutely delighted that the Prime Minister has added this responsibility to my responsibility as Leader of the Government in the Senate.

Clearly, my mandate will be to kick-start the palliative care initiatives across this country and to work with the provinces, the territories, NGOs and the federal government to ensure that resources are directed toward palliative care so that instead of 10 per cent of dying Canadians receiving appropriate palliative care, 100 per cent of Canadians can receive appropriate palliative care.

HERITAGE

CONCENTRATION OF MEDIA OWNERSHIP

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we also congratulate the honourable minister in her extra mandate. Palliative care is an important area, and the work that has been done by all honourable senators speaks to the recognition that the government and Canadians abroad give to important work that can be undertaken by members of this house.

I should like to turn to another observation by the Prime Minister, as reported in *National Post* today. He said that he defends Mr. Asper's right to write. Fair enough. One is spelled with an "r" and one with a "w."

Could the minister clarify for this house what is happening with the government vis-à-vis the concentration of ownership of the media in Canada, an issue which has now moved to the front burner of public affairs in Canada?

Mr. Tobin, the Minister of Industry, has been indicating his interest and a desire to have a mandate. Ms Copps, the Minister of Canadian Heritage, confirmed yesterday that the government will soon announce the names of experts who will look into the matter of the concentration of media ownership in the country. In this house, on Monday evening, the minister was able to point out for us that she would be open and welcome to an update of the important study that was conducted by the Senate on this very topic, under the leadership of former Senators Keith Davey and Charlie McElman.

Could the Leader of the Government in the Senate advise the house of the intent of the Government of Canada, as we are receiving divergent views from several different ministers?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. Let me begin by congratulating David Asper for a well-written article on our Prime Minister. I can say that because David and I have been friends for a great many years, I am delighted that he took it upon himself to defend the Prime Minister in as eloquent a fashion as he did.

In terms of the issue of the concentration of ownership of media in this country, I believe we are all concerned, or I would hope that we are all concerned, that Canadians from coast to coast will have a selection of materials available to them in print and through the Internet, as well as through radio and television.

If the ownership of all of those outlets is to be in one or two hands, the question for all of us is whether we get our information through a filtered lens imposed by someone else.

If there is a broad range of media, then of course each media outlet will take a particular position and a particular line, whether it be on the left or the right of the spectrum.

• (1410)

However, when you get a very narrow concentration of media the question becomes whether we in fact hear all sides of the story. That, I think, is what Canadians want to know. Will this concentration that seems to be occurring in the media limit the ability of Canadians to choose and to come to their own decisions about what has really happened in the community?

With regard to exactly how this will proceed, we have heard from Minister Tobin, who seems to have a particular bent. We have heard from Minister Copps, who appears to be going in a slightly different direction. As I indicated yesterday, I would be quite happy if this institution chose to do that study.

Honourable senators, there has yet been no decision made on how such a study will proceed.

Senator Kinsella: I thank the honourable minister for the answer which underscores the unique position of this house, being ideally situated to examine questions of public policy including ones of this importance.

The question asked earlier by my colleague Senator Cochran regarding the CBC also speaks to this issue, from the aspect of part of the media being in the hands of the people of Canada. That arrangement reflects a unique part of our social values, so different from those in that great republic to our south, where they are also facing a concentration of ownership. As anyone visiting there can observe, 300 million people get their information from a very narrow stream.

THE SENATE

CONCENTRATION OF MEDIA OWNERSHIP— POSSIBILITY OF SPECIAL COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have taken the minister's response of the other day to heart. She suggested that some of us prepare some propositions. Does the Leader of the Government think that a special committee might be the way to proceed? Has she any more direct guidance for us with regard to a Senate examination?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am of the view that the Senate makes excellent decisions when it votes in this chamber on whether such committees should be established. Far be it from me to set the guidelines or the parameters for such a study. I leave that to the members of this institution in whom I have great faith.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have three delayed answers. The first is in response to a question raised by the Honourable Senator Spivak on February 6, 2001 regarding the Speech from the Throne, measures to protect children's health; the second is in response to a question raised by the Honourable Senator Roche on March 1, 2001 regarding the church community; and the third is in response to a question raised by the Honourable Senator Robertson on February 18, 2001, concerning the report of the Auditor General, lack of budgetary planning on possible complications resulting from aging population.

ENVIRONMENT

SPEECH FROM THE THRONE— MEASURES TO PROTECT CHILDREN'S HEALTH

(Response to question raised by Hon. Mira Spivak on February 6, 2001)

Over the next few months, the Ministers of Health and Environment will be considering options for fulfilling the commitments made in the Speech from the Throne to strengthen laws, research efforts and other measure to safeguard Canadians from toxic substances and environmental contaminants and to develop appropriate standards that reflect the special vulnerabilities of children. Various initiatives and mechanisms are being contemplated to advance the research and actions needed to address children's environmental health issues. It is too soon to say whether this will result in a review of CEPA before the next mandated CEPA 5-year review.

CHURCH COMMUNITY

FINANCIAL SUPPORT TO SETTLE LAWSUITS BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS

(Response to questions raised by Hon. Douglas Roche on March 1, 2001)

QUESTION:

How does the government plan to work with the churches in addressing the legal exposure they share as a result of litigation arising from the residential school system?

ANSWER (from the Honourable Herb Gray, M.P.):

The government is keen to work with the responsible church entities in addressing the liability which we both share. I was asked last fall to work with the churches to find solutions which will address the financial concerns of the

churches as this relates to residential school litigation. I would offer two points for you to consider. First, your question seems to suggest that the issues arising from the history of this system deal only with the loss of language and culture. To focus on this ignores the serious issues of physical and sexual abuse with which we must also deal.

Second, both the government and churches shared in the goal to assimilate Aboriginal people. As such our responsibility today is to continue to try and find ways in which Aboriginal people can participate fully in Canadian society while preserving and enhancing the collective identities of Aboriginal people and allowing them to evolve and flourish. This can best be achieved, in our view, outside of the courtroom.

With further regard the abuse of children at these schools, this issue has nothing to do with the well intended, but misguided policies pursued by the government and the churches through these schools, but rather was the result of our mutual failure to protect the children in our care. The government is committed to working with those who were abused in finding the most appropriate solutions for their healing and the need for reconciliation between these individuals and the institutions, which ran these schools. Both the government and the churches will be held accountable for abuses perpetrated by their employees.

QUESTION:

Why has the government not met with Aboriginal representatives in addition to the church leaders with whom it has been meeting since October?

ANSWER (from the Honourable Herb Gray, M.P.):

I am pleased to inform you that I have met with the National Chief of the Assembly of First Nations and our officials have remained in contact since that time. I have also met with and sought the advice of individuals who are themselves former residents of these schools and who are seeking the best approaches to healing and reconciliation for themselves, their families, and their communities.

I should also note, that the government, with the support of the AFN and the churches, facilitated nine "Exploratory Dialogues" over the course of 1998/1999 which permitted hundreds of survivors, healers, plaintiff counsel, Aboriginal leaders, government officials and the churches to meet for the first time and discuss constructively, a wide range of issues which address the sad legacy left by the residential school system. It was these discussions which led the parties to support the development of dispute resolution models to resolve these claims.

Our government remains open to working with church leadership to determine the best way to do approach these issues and which will permit the parties to live up to their legal and moral responsibilities. In doing so we must also give due consideration to the long-term sustainability of the churches that are affected by these claims.

I appreciate the interest you may have in this issue and understand that through your work in the Helpline Process in Ontario you have considerable experience in working with victims of abuse and with church institutions to help them come to terms with their legal responsibilities and reconciling with victims of abuses perpetrated by church employees. I would be pleased to meet with you to discuss and to seek your advice on some of the issues we confront today in the context of residential schools.

FINANCE

AUDITOR GENERAL'S REPORT— LACK OF BUDGETARY PLANNING ON POSSIBLE COMPLICATIONS RESULTING FROM AGEING POPULATION

(Response to question raised by Hon. Brenda M. Robertson on February 7, 2001)

The Government is in full agreement with the general conclusion of the Auditor General's report relating to the need for information to Parliament and Canadians regarding fiscal policy. A sound understanding is required of the issues involved and the possible ramifications of alternative policy choices. Good information is the foundation for good policy.

The Department of Finance takes considerable pride in the policy research done and the actions taken to bring many of the issues raised by the Auditor General into the public domain. For example, in September 1997, the Department sponsored a conference, organized by the John Deutsch Institute of Queen's University and the Institute for Policy Analysis of the University of Toronto, entitled "Fiscal Targets and Economic Growth." At the Department's request, some of the papers explicitly addressed some of the demographic issues raised by the Auditor General.

Similarly, in 1992, the Department of Finance, in conjunction with the provincial finance departments, released a detailed study entitled "The Cost of Government and Expenditure Management." This paper focused on major long-term cost pressures, especially in the areas of health education and social services, facing governments. The methodology employed in that study was used by the Auditor General in his Report.

The Department of Finance has, and is continuing, to take part in an international working groups examining the consequences of an ageing population throughout the industrialized world. These are being undertaken either through Group of Ten countries or the Organization for Economic Co-operation and Development.

The department provided detailed information on the long-term structural problems associated with the Canadian Pension Plan, which formed the background for the reforms agreed upon by the federal and provincial governments. And finally, as noted by the Auditor General, an internal working paper was released recently, entitled "Public Finance Implications of Population Aging."

All of this is to say that the Department of Finance is very active in ensuring that good analysis is available to the public and Parliament on which to base informed discussion and policy decisions.

However, where we disagree is the process and in what forum this information should be made available.

The Auditor General is suggesting that long-term economic and fiscal projections should be part of the annual budget process or be published during pre-budget consultations by the government.

Experience has shown that the inclusion of longer-term projections in the budget process undermines the importance and urgency of addressing immediate problems — problems and issues that must be addressed even in good times in order to ensure that the longer-term objectives can in fact, be met.

Previous ministers of finance did table five-year economic and fiscal plans that were not achieved. Failure to meet targets meant lost credibility and the consequence for this was a higher risk premium and higher interest rates.

The government's approach to budget planning has been based on setting two-year fiscal targets embedded in a medium-term fiscal framework.

The first medium-term anchor was the elimination of the deficit. Implicit in this objective was the need to halt the rise in the debt-to-GDP ratio and to put it on a permanent downward track.

Most importantly, however, the government ensured first and foremost that the short-term targets were met. This has resulted in fiscal discipline unprecedented in the post-war period. In doing so, the federal government has been able to eliminate the deficit much faster than anyone expected.

By focusing its actual budget plans on the short-term, the government has been able to achieve a significant longer-term objective — that is, arresting the growth in the debt-to-GDP ratio after nearly 25 years of uninterrupted increases and putting it on a permanent downward track.

Although the government's budget plans have been of a two-year focus, this has not meant that the longer-term financial problems are being ignored. For example, the federal government and the provinces have restructured the Canada Pension Plan precisely to address the longer-term demographic pressures on the Plan. It will continue to address those longer-term structural issues that need to be addressed.

The government does not believe that it should change its approach to budget planning at this time. It has proven to be extremely successful in not only achieving the government's short-term objectives but for laying the foundation to address the longer-term structural problems.

This is not to imply that changes will not be considered or made. Each fall, the Department of Finance conducts extensive consultations with private sector economists. Their medium-term economic and fiscal forecasts are presented in the Minister of Finance's fall update, as the basis for pre-budget consultations and the resulting initiatives announced in the Government's annual budget.

[Translation]

ORDERS OF THE DAY

THE SENATE

MOTION ON PROPOSED CHANGES TO RULE 86— DEBATE CONTINUED

On the Order:

Debate resumed on motion by Honourable Senator Robichaud, P.C., seconded by Honourable Senator Rompkey, P.C.,

That Rule 86 of the *Rules of the Senate* be amended:

1. by deleting subsection 86(1)(h) and replacing it with the following:

(h) The Senate Committee on Foreign Affairs, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries,

papers and other matters relating to foreign and Commonwealth relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid;
- (iv) territorial and offshore matters.

2. by deleting subsection 86(1)(m) and replacing it with the following:

(m) The Senate Committee on Social Affairs, Science and Technology, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is an order of the Senate to that effect, bills, messages, petitions, inquiries, papers and other matters relating to social affairs, science, and technology generally, including:

- (i) Indian and Inuit affairs;
- (ii) cultural affairs and the arts;
- (iii) social and labour matters;
- (iv) health and welfare;
- (v) pensions;
- (vi) housing;
- (vii) fitness and amateur sports;
- (viii) employment and immigration;
- (ix) consumer affairs; and
- (x) youth affairs.

3. by adding new subsections 86(1)(r) and 86(1)(s) after subsection 86(1)(q) as follows:

(r) The Senate Committee on Defence and Security, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to national defence and security generally, including veterans affairs.

(s) The Senate Committee on Human Rights, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to human rights generally.

Hon. Lucie Pépin: Honourable senators, I should like to add my support to the formation of two committees, the Standing Senate Committee on Human Rights and the Committee on Defence and Security, as stated in the motion.

I have been interested in defence for a number of years. In 1985, I was the first woman parliamentarian to become a member of the NATO parliamentary group, where, at the first meeting, I was asked:

[English]

What are you doing here?

[Translation]

I responded:

[English]

I don't want to be told what to do. I would like to be part of the decision making.

[Translation]

Later on, I worked hard for women to be allowed to fly F-18s, but particularly to have the letters "DW" or "dependant wife" removed from the ID cards of all the wives of NATO military personnel. At the time, women were viewed as inferior and anything that they did wrong — including a motor vehicle violation — was entered on their husband's file. It seems that these letters have now been removed and that these wives and spouses are better off.

Since coming to the Senate, I have been a member of the Subcommittee on Veterans Affairs. I have been in contact with women in the military and with the wives of military personnel for several months now and I have met a number of them.

It is important to improve the working and living conditions of our military personnel. However, we must be vigilant and examine the quality of life of wives, spouses and children. We must also examine the community in which they live, their children's schooling and the ability to communicate in both official languages.

Recently, Canadian forces community organizations published a booklet on how to prevent family violence. A film was also produced on how to improve the lives of families on military bases across Canada and Europe.

I know that Senator Erminie Cohen did work similar to mine and she will soon tell us about the results of her visits and meetings on the military bases in her region.

There are many paramilitary activities we should look into. These activities are all part of the daily lives of the families and people who live with our soldiers, and it is important that these people not be heard exclusively by female parliamentarians, but perhaps by a committee made up of both men and women.

In working to improve the defence of our country, we must pay attention to what is going on where our military personnel and their families live.

[English]

• (1420)

Hon. Douglas Roche: Honourable senators, I wish to record my support for the Senate establishing two new committees:

one on defence and security and one on human rights.

Bearing in mind the excellent addresses given yesterday on this subject by Senator Rompkey, who spoke on defence, and Senator Wilson, who spoke on human rights, I wish to associate myself with the comments made by both honourable senators. Further comments by me would be merely repetition. Thus, I propose to spare you my comments and simply record my support.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I do not propose to comment further on the creation of two new committees, which are surely needed, because a number of senators have been speaking about them for three or four years now. It is time for action and I have no hesitation in supporting the creation of a Senate Committee on Defence and Security or a Senate Committee on Human Rights. These two committees will undoubtedly help to resolve the problems with which we are all familiar.

My comments have to do with the wording of the first part of the motion, and I quote:

That rule 86 of the *Rules of the Senate* be amended:

1. by deleting subsection 86(1)(h)...

As you can read in today's Order Paper:

(h) The Senate Committee on Foreign Affairs, composed of twelve members, four of whom shall constitute a quorum to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matter relating to foreign and Commonwealth relations generally including...

I have discussed this matter with certain senators and my position is known. I would like the motion to be amended to include the words "the Francophonie." I was told that the motion was inclusive because it uses the word "generally." However, when I read the motion in French, it says "le Commonwealth et général," not "les affaires étrangères en général."

I would like the words "the Francophonie" to be added to these directives to the Foreign Affairs Committee. I have been trying for some five years to convince the Senate that the whole issue of the Francophonie is one of great importance to the majority of us. The committee must address this, because the Francophonie does indeed exist.

The Francophonie is a group of countries which have in common their use of French. It has been around for a long time and has been recognized internationally for over 30 years.

[Senator Pélissier]

Canada played an important role in the establishment of the Francophonie. Because it had no colonial history, you will understand that Canada had a certain credibility, in Africa in particular, with respect to helping these countries develop and take their place on the world stage.

There are more than 50 members of the Francophonie; their common language is French. The countries of Europe, France, Belgium and Switzerland in particular, and Canada, have been involved in the creation of an association of common interests, called the Francophonie.

It is unlike the Commonwealth, with its rather economic interests, which has English as its principal though not exclusive language, required in the former British colonies by economic necessity. That is reality.

There is not the same connotation within the Francophonie. Its ties are linguistic and cultural, not economic. That is the difference. The Canadian Parliament ought to look further into this matter. We spend a lot of money in Africa, hundreds of millions. I have been a member of the Foreign Affairs Committee, even co-chairing the review of this country's famous foreign policy, and the Francophonie and culture are two issues often shunted aside.

The sixth chapter of the report by the joint House of Commons and Senate Committee on Foreign Relations addresses culture, an important issue, which has become an international one. We need to protect our cultural interests in our dealings with the United States, where the term is not "culture" but "entertainment."

The senators on the committee must address the Francophonie. How do we go about this? The matter must be referred to the committee, of which I am a member. I will ensure that the members are made aware of the need for an amendment in committee that includes the words "the Francophonie." There are two or three different ways of doing so. I give notice to the committee that I shall be taking the necessary steps to convince the senators that my request is justified. The arguments I have used here are serious and important ones, and I would like them to be considered as such.

[English]

On motion of Senator Tkachuk, debate adjourned.

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—MOTION IN
AMENDMENT—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor

General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.

And on the motion in amendment by Honourable Senator Kinsella, seconded by Honourable Senator Rossiter, that the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

"Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with whom we share Planet Earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a "common purpose" to this country — to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government's blueprint for this country's future is a plan to strengthen Canada's communities, build a vibrant economy, and govern with integrity.

Strengthening Canada's communities

Canadians feel that the fabric of Canada's communities and institutions has been weakened in recent years.

Canadians' faith in their health care system has been shaken. Health care cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada's social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government's Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels. This would restore completely the health and post-secondary education dollars cut from transfers to provinces.
- Add a sixth principle to medicare — guaranteed stable and predictable long-term healthcare funding — through legislation. Never again will a government be able to scoop billions of dollars out of health care.
- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.
- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.
- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.
- End the taxation of scholarships awarded to students in colleges and universities.
- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.
- Replace the federal Young Offenders Act with new legislation that reflects the principles of protection of

the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice

– Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

– Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners and that the new economy demands we reward investment innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians — those least able to pay tax — from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.
- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.
- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt — the mortgage on our children's future — within 25 years, and pay down the principal on the debt by \$25 billion over the next five years.

- Implement an annual “Red Tape Budget” detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- Work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they are elected.

My government would restore integrity to the governing of Canada by increasing the democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive “whistle-blower” legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the quality of life of Armed Forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us towards a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

- We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It's their money, and we want to leave it up to them to save, spend or invest as they see fit.

- Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

- We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable Members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations.”.—(*Pursuant to Order adopted March 1, 2001—6 sitting days remaining*).

Hon. Roch Bolduc: Honourable senators, I have read carefully once more the Speech from the Throne, and here a few remarks I would like to make about it.

First, concerning the general orientations, I believe that the government's statement is correct. Being in favour of economic progress, of social inclusion, that is the sharing with everyone of the advantages of economic prosperity, being in favour of the best quality of life in Canada and wanting to have a positive influence on the international community, are certainly four general orientations on which our fellow citizens must agree.

How, objectively, can anyone be opposed to such great a noble intentions? The government must be given the merit of drawing to the attention of Canadians such highly desirable general objectives. The government also lists, and most lucidly I must say, certain real challenges facing our society: the fact that our economy is only average in its competitiveness compared to other developed countries, the uncertainty of our export markets, which are focussed on the United States where we know there has been an unequivocal downturn over the past quarter, the many Canadians who are being shunted aside by globalization which, though inevitable, does not share its benefits equitably, the positive but decreasing influence of Canada in a world where new and powerful economic groups are being formed and where we do not pull much weight. Faced with these real challenges, and with others to which I shall return shortly and which the Speech from the Throne did not see fit to address, what is the government's attitude?

It claims to be positive, optimistic and entrepreneurial. According to the official speech, what it needs to do is promote activity in a number of areas: first of all, innovation in the production of goods and services, then skilled human resources, followed by the use of modern communications equipment, and finally international trade and foreign investments in Canada. In short, the government acknowledges, as I myself stressed a year ago in connection with the Minister of Finance's budget, that one of the things involved in economic growth is government measures that encourage a better performance from the factors of production, that is capital, enterprise and manpower.

It is already something to recognize the evidence, but that is not enough. It is not enough to say one supports virtue. Where the Speech from the Throne falls down is in the "hows." As soon as the government moves into the ways and means of achieving the objectives set out earlier, it plunges into the governmental activism so dear to the Liberal Party. We would think we were still in the post-war period. The Liberal Party has not really learned its lesson. Instead of looking for new ways to increase productivity and raise the standing of living of Canada's most disadvantaged, there it is trying to launch new initiatives all over the place, the majority of which are in areas of provincial jurisdiction. After pointing out the so-called advantages of the post-war welfare state — old age pensions, health insurance and unemployment insurance — noting their benefits, as if this meant the problems were resolved, the government proposes to devote its energies to early childhood, literacy, school dropouts, continuing training, forms of health care, municipal and provincial infrastructures, potable water and the revitalization of culture.

To listen to them, this is the way to advance Canada in the community of nations. In short, move over, you provincial governments, we in Ottawa know about this and we will show you what good government is about. Really? What about the dubious performance of the Minister of Human Resources? What did the Auditor General have to say about the handling of fisheries? Is the government satisfied with the management of gun control, whose cost is skyrocketing before we even have a sense of its effectiveness? Was it not this government that dramatically slashed funds to health care and then announced after all the damage it caused that it was proud of its agreement on the social union, which would resolve health care problems. You will permit us in opposition a little skepticism at the government's proposals, not to mention the contradictions in the official speech itself. For example, the government is setting objectives for us to attain in order to increase our standing among the countries investing the most per capita in research and development: it wants us to be among the top five, because we are currently in fifteenth place. The solution: double our investment. And where will this money come from? From taxes obviously. Does the government not realize that, by taxing, it is increasing business costs and thus slowing the growth of the economy?

At times, the government sounds like a teacher, stating the obvious, saying that we need an innovative economy to be competitive, for instance. At other times it sounds like a social worker, stating the obvious, saying that there is a marginalization process in the country and that we must fight it with greater social inclusion, for instance.

Like social democrats or marketing whiz kids, every six months the government comes up with two or three buzzwords that are used to caricature an issue, and sometimes its solution at the same time. This time, the buzzword is social inclusion.

However, we know that beyond the government's good intentions and its satisfaction in light of the social progress made in Canada over the past 50 years, reality is very different from the rosy picture that is presented by the official message. Here are some facts.

First, Canada's performance in terms of productivity and real income pales in comparison with that of the other OECD countries. According to last spring's issue of the Department of Industry's publication entitled *Micro*, Canada lags behind when it comes to innovative, top-of-the-line products.

The productivity gap between Canada and the United States has been widening since 1995. According to *The Economist* from 1996 to 1999, productivity in Canada increased at a cumulative rate of 4.2 per cent versus 11.5 per cent, or 2.9 per cent per year, in the United States.

And the United States is not the only country faring better than us. We rank 11th among OECD countries in terms of productivity, and 15th in terms of per capita share of the GDP invested in research and development.

According to a C.D. Howe Institute study, the brain drain is a real concern. We are losing engineers, computer scientists and nurses. We are of course getting people in certain professions, but Canada is losing in the modern sciences sector. The temporary visa has attracted many more people with doctorates to the United States. The difference in salaries is substantial, from 40 per cent to 75 per cent for experts in new technologies.

A few years down the road, this drop in productivity will naturally have an impact on the standard of living. The same issue of *Micro* reports that the standard of living in the United States is 22 per cent higher than that in Canada, the average of course, but it also reports that the standard of living in every region of the United States is higher than the average in Canada: 40 per cent higher in New England; 37 per cent in the Mid-Eastern States, New Jersey, Maryland, et cetera; 28 per cent in the West; 20 per cent in the Great Lakes region; 18 per cent in the Southwest; 17 per cent in the Mountains and the Central Plains; 10 per cent in the Southeast. The list of states and provinces shows Alberta in 18th position and Ontario in 37th. The other Canadian provinces are at the very bottom.

Another result of this sorry state of affairs is that there is not much of an improvement in the figures on poverty in Canada, if we are to believe the official figures. In the last few years, the number of children living in poverty has gone from 20 per cent to 18.6 per cent, or almost one in five. This is very high, if we are to believe the numbers from the government.

People talk about the blatant injustices in the United States, and what they have in mind is the fate of many Black Americans. However, here in Canada, many Aboriginals are living on the fringes of Canadian society, in a state of humiliating dependence for which the government itself is in part to blame.

Nor are we free of social unrest: gangs have the run of many of our cities, and the family is in disarray in many countries, but in Canada as well. The government has a lot to say about individual rights, but is doing very little to encourage individual responsibility.

Economically, things are far from perfect! The federal debt still stands at 60 per cent of the GNP but, if provincial debts are included, 40 cents of every dollar Canadians pay in taxes go towards paying the interest.

The Canadian dollar continues to fall. As a result, our manufacturers are paying far too much for imported equipment, which is limiting their ability to invest in technology, and thus cutting into productivity. It is a vicious circle.

Recent tax cuts have barely offset higher pension plan contributions. In the year 2000 they did not. In 1981, the average tax rate in Canada was 40 per cent. In 2001, it is 50 per cent. Half our money goes to the government. That is a 25 per cent increase. There is no longer the social equality there once was.

On a horizontal basis, intergenerationally, there is greater inequality than before. Direct foreign investments in Canada are also decreasing. We used to have a 4 per cent share and now it is 2 per cent.

Many Western farmers are in dire straits.

As far as foreign policy is concerned, we are dealing with the unknown, with uncertainty, with obscurity. Nothing is clear. We do not, for example, know whether the government does or does not support the U.S. defence strategy, the missile defence system. We do not know its views on negotiations on the Free Trade Area of the Americas, the FTAA. The pretext for that is that, in accordance with old constitutional conventions, the government is the one negotiating. We are still back in the days of the prerogatives of the Crown. It seems we are going to step up international aid without any objective assessment of the impact of our present programs. We already have two billion dollars invested, and it is important, before that amount is raised to two billion, five hundred million, for us to know whether this is a good idea, whether the countries we are helping are any better off than before. We are in the 21st century and the government is behaving as if it were in the 19th. The prerogatives of the Crown are a constitutional pretext for acting with all discretion, as if Parliament did not exist. Talleyrand could not top that.

This leads me to say a few words on the way this government is managing public affairs. As with foreign affairs, the executive power is ruling as an absolute master. One would think we were at war. We are well aware of the results. Arbitrariness reigns. The public service is forced to bow to undue pressures from political personnel. This goes right up to the Prime Minister, who wants us to believe that, when he intercedes with the head of a Crown agency, he is just acting as the MP for Shawinigan.

We no longer see, as we used to do, public notices in the papers announcing vacant management positions in the public service. It worked well in Quebec, where I worked, and in Ottawa. Where is democracy? Have we come back to the buddy system? There seems to be no more competition in the awarding of positions or of contracts. Forty per cent of contracts in the informatics field last year were not tendered. We have vigorously fought this sort of situation in the past, and it continues to scandalize me. As we said in Quebec in the 1960s, it is time it changed. The government seems to be taking certain recommendations by Thomas Courchene, the economist from Queen's University, into account in its inaugural message. It should read him carefully, because he makes the point that the public service must start operating once and for all on a competitive basis and stop continuing to operate as a monopoly with the new special agency formula. I suggest it read the enlightening thoughts of Gilles Paquet on subsidiarity. I look forward to the day when the forces of the opposition will give Canadians an alternative program in keeping with the views of the opposing groups and of the people of Canada.

The Prime Minister, unlike the British Prime Minister still seeking a third way, has found his own, the Canadian way. If the results I have just indicated are the product of his way, after eight years in power, then, we are not out of the woods yet. The government is hard of hearing: it continues to commit to a multitude of activities that foster bureaucracy and waste and settle nothing. What is the government doing to help Canadians deal with the social changes resulting from globalization?

I noted, a moment ago, the confusion that reigns in too many homes in Canada with the effect we have all seen in social terms: children left on their own or pulled between their parents, tense situations in elementary and secondary schools, the violence to be found pretty well everywhere in welfare institutions overwhelmed by the number and scope of problems, and so on. In the face of these alarming situations, the government reacts to the tip of the problems, which we know to be resolved primarily through the delicate handling of measures that produce a shift in values and a change in behaviours.

Elsewhere, we see that citizens are overcharged by public administrations and the President of the United States is asking Congress "a refund on their behalf." Here, the government does not want to give money back to citizens, as it timidly began to do back in October, but to propose other magical initiatives. It is strange to see how in October, just before the election, the government knew what people wanted and how quickly it forgot all about their wishes afterwards.

A large part of the Speech from the Throne gives a superficial description of our social problems and the new programs the government wants to set in place to solve them. However, after a few paragraphs, the root causes of our problems are left unexplained. These fundamental reasons are related to the tax system. In October, the minister told us that Canadians would be able to compare themselves to Americans. I have news for the minister. It is only in five years that Canadians will be able to compare themselves to today's Americans. In five years, the Americans will have moved up. This is serious. This is where the problem lies. Let us not kid ourselves about our foreign investments and about many other things.

We must improve the tax system. Corporate funding through risk capital is inadequate, largely because of the incentives that govern institutional funding. In the United States, aggressive companies such as General Electric, Hewlett-Packard, Intel and others encourage their researchers to innovate and they fund their start-up costs, while here contributions to the public service pension plan are invested in government bonds and in shares that will be managed by a new monopoly, instead of allowing employees to look after their investment themselves.

The difference in terms of innovation and productivity between the U.S. economy and the economies of the other Western countries, including Canada of course, is precisely due to the different incentives governing these economies.

In the United States, the structure of the tax system and labour market, and the management style of companies, help promote innovation, competition, mobility and performance. In the compromise between efficiency and fairness, the resulting institutional balance is severely condemned in Canada, under the pretext that our society is more egalitarian. However, where is the fair inequality between an unemployment rate of 4 per cent and one of 8 per cent?

I, for one, believe that what Canada needs now is not more government, but rather restraints on its discretionary action at both the provincial and federal levels, for the benefit of citizens. It would appear, in our country, that the strength of the majority which characterizes the British parliamentary system, allows governments to have visions that are more beneficial to the people than what people themselves want. Yet, in recent decades we have seen that governments overestimate their abilities and are unable to deliver what they promise. The history of pensions and health insurance are clear illustrations of this: On one hand we see ourselves forced to increase contributions drastically, and on the other, we are left with deplorable waiting lines and are forced to have our patients treated in the United States, whose health system we continue to criticize.

If, today, I rise against conventional political wisdom in Canada, it is because the reasonable alternative is not well presented in our country.

• (1440)

The Hon. the Speaker: Honorable senators, I must inform Senator Bolduc that his 15 minutes are up. Is leave granted for him to continue?

Hon. Senators: Agreed.

Senator Bolduc: Honourable senators, I am well aware of the fact that the political game in Canada consists in evaluating tensions between too much and too little politicization, too much and too little collective interference with individual liberties, or too small or too ponderous public economy. However, between 15 per cent of GDP in essential public goods and today's 40 per cent of GDP in public goods, we have to admit that Canada does not hesitate to take money from some to give it to others. The problem is that this redistribution by the government does not benefit the poor, those who need it the most. This is the tragedy of politics.

Our parliamentary system already allows almost complete domination by the majority. It seems to me that efforts at reform should focus on ways of preventing the executive arm from going too far. This is true in the case of Senate reform, to take one example. I will return to this soon, I hope.

Hon. Aurélien Gill: Honourable senators, there was a time when governments did not give too much thought to Aboriginals.

As the Speech from the Throne clearly shows, those days are gone. And I wish to congratulate the government on giving this issue all the recognition it deserves by including it among its primary concerns for this new session. The government is restoring hope to Aboriginals, and this is saying something. It is giving them hope that they can leave poverty behind, hope that they can play a more active role in governing themselves, hope that one day their culture will resonate proudly throughout Canada, and that in spirit and in fact they will feel like full-fledged citizens.

In restoring hope to Aboriginals, the government has taken the first step only. Our objective is just starting to become visible on the horizon. This is but the dawn of a long and difficult day.

We will have to put much time and energy into attaining our goal. We will have to venture fearlessly into unknown lands, and find new ways of improving things.

The Prime Minister is urging us to look to the future. This is desirable and, in my view, inescapable. We must set clear objectives that will enable us to build a promising future for our children.

While we, as Aboriginals, gaze upon this distant horizon, we must take care not to forget the past. The past and the future are not mutually exclusive. The way to our future is through acknowledgement of our past. We must not forget the past. We must not forget who we are, who we were, and what we have become.

To forget the past would be to forget what makes us different, the extent of our wounds. We do not yet have our rightful place in the politics of this country, and the efforts to acknowledge, define and enforce our rights must be kept up so that we will soon feel at ease, responsible and accepted in this country, in our country.

In its Speech from the Throne, the government invites us to look beyond the past and to focus with confidence on the future, particularly in connection with the commitments to bolster Aboriginal self-government. For us, this is the key issue in the debate, for the structure within which we will govern ourselves tomorrow will impact directly on our ability to find effective and lasting solutions to the numerous problems afflicting our communities.

The Constitution of Canada, specifically section 35 of the Constitution Act, 1982, recognizes First Nation rights. It describes the aboriginal peoples of Canada as having Aboriginal and treaty rights which are recognized and affirmed. This recognition represents a significant milestone along our long path to true self-government. Considerable energies, however, still have to be expended to define these rights, to unearth them, dust them off and put them into application. If a functional structure that would enable us to advance those rights is lacking, or absent, then they are at risk of remaining dead issues, or becoming the object of misunderstandings or conflict that seem to have no

prospects of getting settled. As far as politics and self-government are concerned, any real solution involves the creation of a structure which would ensure accountability and national representation for Aboriginal People.

• (1450)

For the moment, the Assembly of First Nations is doing what it can, which means doing the impossible. Its power is insufficient, which limits its impact on the process.

At this point in time, great confusion reigns in the political dimension. In practice, the words "First Nations" lack both a definition and a legal framework. There is absolutely nothing said about the existence of Aboriginal nations throughout the country.

Moreover, the only institution recognized by government, via the Indian Act, is the band and the band council. If we want to make any progress, we will need to group together those communities that are members of the same nation. If that is not possible, we have a real problem on our hands, one that hampers true political development.

Since it is impossible for us to establish and recognize these institutions under the current legislation, self-actualization and development is equally impossible. In most cases, communities have a hard time administering their affairs properly, and their future absolutely depends on a political structure they must create in the very near future.

Very often the government negotiates the territorial claims of Native Peoples village by village, thus creating rivalries between communities. As the Dussault-Erasmus commission has recommended, we must move boldly to another stage.

A First Nation, generally, includes several communities. We do not know precisely which they are, but we should make the effort to find out. Within this country, is there not a Tsimshian fact, as there are Cree, Innu, Iroquois, Inuit and Anishnawbe facts?

It is time to return to the true existing identity borders and to those that existed elsewhere in the country but were never respected. If there are indeed 34 Micmac communities in the Maritimes, is it practical to think that one single First Nation exists in the Maritimes comprising 34 communities?

If, in the end, we recreated some fifty First Nations within Canada, would it not be useful and very interesting to create at the same time a new political institution, a responsible government representing these nations, who would then have a legitimate representative?

[English]

Such an institution does not exist; we must create it. We need responsible, transparent and normally constituted political representation.

[Translation]

I believe it is dangerous to me to continue on a case-by-case basis. We can no longer go from Ipperwash to Burnt Church, settling problems piecemeal as crises arise. In order to break out of the vicious circle, we have to move on to another reality, that of responsibility and political existence.

To get there, we have to establish a national authority governing the First Nations and representing their diversity and their aspirations.

We of the First Nations have a big job to do just to agree on creating this new structure. The mere establishment of such a structure is a challenge for everyone. We will then be able to discuss the division of resources and the creation of wealth. It will also be possible to discuss objectives for education and health care and everything that goes to make up the life of a people.

The First Nations cannot govern without a government of their own. We must direct our best efforts to creating it, which is in turn the result of a redefinition of what constitutes a First Nation. Do not be afraid to be innovative and to dare, because real responsibility has to start somewhere.

I can only firmly support the government in its intentions to do something to alleviate human misery and to promote our children's education, because beyond the political issues, there are social emergencies, tragedies and unacceptable living conditions, both in and outside the communities.

A few years ago, the Native Women's Association publicly warned leaders of the Assembly of First Nations that human conditions were as important as, if not more important than, the negotiation of rights. It would be futile to obtain rights for a community that is too sick to exercise these rights.

Today, the government seems to realize that some situations can no longer be tolerated. Aboriginal suicide, drug dependence and incarceration rates are serious issues. I will not describe what everyone knows all too well, but I agree with the government's conclusion that the money does not always go where it would be best used.

[English]

We must improve, considerably, our front-line intervention and the social reality of Aboriginal peoples across the country. This will be a long, hard process; as long and as hard as the process that brought us this far. What choice have we?

[Translation]

Aboriginals do not have a monopoly on misery, but the seriousness of their plight is disconcerting to the extreme. To eliminate this misery, we must invest money but, first and foremost, we must be extremely creative, effective and determined.

In real life, many people have been working humbly resolutely and relentlessly for years to prevent the worst. We must listen to these people and we must help them wherever they are in Canada, including in Labrador, Saskatchewan, Western Ontario and in all the regions where the situation is critical.

The government will have to take all appropriate means to support these anonymous and courageous people who work in their communities to fight drugs, suicide, violence and delinquency. We all want the best possible education for our children. For Aboriginals, this issue is all the more critical, and we have been concerned about this for a long time. We have suffered too many losses and we can no longer sacrifice entire generations. We must succeed at all costs.

[English]

I reiterate how pleased I am that the government has placed this urgent situation among its priorities.

[Translation]

Once again, I am pleased to see the government giving priority to righting the situation, with the goal of saving Aboriginal lives. I am choosing my words carefully, but that is what it has come to.

Canadians must keep an eye on government and this issue must no longer be relegated to the back burner. I believe that this is the message the government is sending. Although no one can claim to have miracle solutions, it is reassuring to know that we all intend to work hard at this. Eliminating the shocking poverty in countless Aboriginal communities throughout Canada, getting a good education for the future of our children, and taking our rightful place in the Canadian political landscape are goals that deserve the support of all Canadians.

However, when all is said and done, it is up to us, as First Nations peoples, to improve our own situation. For that, of course, we need support but, more important, we need open-mindedness and generosity.

• (1500)

Honourable senators, we need to tackle our problems in the knowledge that we have the means to rebuild proud and prosperous societies. Let us not forget that this is the challenge. This has been known for a good forty years. The Prime Minister is fully aware of the problem and he is very sensitive to it. Mr. Chrétien is well acquainted with national programs that encourage Aboriginals to run their own educational systems. At the time, he was one of the leading proponents. Today, he knows as we all do, that we must go further.

Again, I would like to say how pleased I am that the government is including these emergency situations among its top priorities.

[English]

The Hon. the Speaker: I regret to interrupt the Honourable Senator Gill, but his time has expired. Is the honourable senator seeking leave to continue?

Senator Gill: Yes, Your Honour.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[Translation]

Senator Gill: I have already said that we have reached the end of the line and that we will run out of time if we do not take action soon. Although it looks like the future will be difficult, we cannot afford to fail. The job ahead is a big one. However, we will get off to a better start in the new century if we leave behind the existing political legacy and come up with a structure that will truly allow Aboriginal peoples to lead a proud and autonomous existence and to be full-fledged citizens of this country, which belongs to all of us.

[English]

Hon. Mabel M. DeWare: Honourable senators, I have chosen to address the Speech from the Throne from the aspect of post-secondary education. We all appreciate the critical importance of federal support for higher learning, both for young Canadians and for Canada as a whole.

Before I get into the substance of my remarks, however, I should like to congratulate our new Speaker, the new Leader of the Government and the Deputy Leader of the Government. It is clear that Senator Hays, Senator Carstairs and Senator Robichaud are taking their responsibilities and the challenges of their roles very seriously. I believe this chamber will benefit from their knowledge, leadership and guidance, and I wish them well.

I focus my remarks on post-secondary education by acknowledging that jurisdiction in this area falls to the provinces. However, the federal government has also traditionally played an important role in this area. Unfortunately, the current government has watered down that role. Shortly after it was first elected, it slashed transfers to the provinces for health care, education and social programs. Despite promises to gradually restore funding, the effects of these cuts will be felt for a long time to come.

The government has also failed to offer a national vision, a framework to foster higher education in Canada. Canada has one of the world's most highly regarded systems of post-secondary education. It is one of which we should be proud. However, that system is now facing significant problems and is, it has been argued, at the point of crisis.

The ability of post-secondary institutions to offer high quality, affordable education is under siege. They are having trouble

keeping pace with Canada's need for graduates, to enable us to prosper in the international marketplace and to stay at the forefront of international affairs, the liberal arts, science and technology.

Senator Lynch-Staunton in his Reply to the Speech from the Throne mentioned three areas of concern: student indebtedness, crumbling university infrastructure and a shortage of experienced teaching staff. These areas were also brought to the attention of the Special Senate Committee on Post-Secondary Education, of which I was a member. I should like to expand a bit on them.

Honourable senators, student indebtedness is a painful reality in Canada today. This is because tuition fees have soared, thanks largely to federal funding cuts, while grants have been cut back. The majority of students who must borrow to continue their education graduate with crippling debt loads. This prospect can deter young people from going to college or university in the first place.

Under the policies of the Liberal government, student debt load has become so high that students in record numbers are defaulting on their payments. The government's solution to this problem was to change the Bankruptcy Act, not to alleviate student debt or make it easier for students to pay back their loans.

Campus infrastructure across the country is in a pathetic state. Many universities and college facilities have not been retrofitted since their construction. A tour through some of Canada's major learning centres reveals decrepit main entrances and poor lighting and air quality. There is also a shortage of capital for proper landscaping, signage and water drainage. Many post-secondary institutions have been forced to defer infrastructure repairs because of lack of funds; but the longer it takes for these repairs to be made, the higher the costs will be, especially for students.

The government has been able to come up with an infrastructure program that funds things like golf courses, zoos and bocce courts. However, it has all but ignored the critical infrastructure needs of Canada's colleges and universities.

In addition, our institutions of higher learning often struggle with computer equipment that fails to meet the most basic of standards. Colleges and universities have empty bookshelves in their libraries and poorly equipped laboratories. This directly affects the quality of education that their students are receiving. In this new and exciting age of the Internet, those who lag behind quickly find themselves rendered obsolete.

Another disturbing symptom of the federal government's neglect of Canada's national post-secondary education system is the inability of our colleges and universities to attract and retain enough professors and instructors. It is estimated that over the next 25 years nearly 50,000 higher education teaching positions will need to be filled. Unfortunately, more professors leave the Canadian post-secondary education sector than are hired. Many qualified candidates head for the private sector or leave Canada altogether.

Honourable senators, there is a great deal more that I could say about the sorry state of post-secondary education in Canada, but I think everyone has a general idea. I wish to talk now about the opportunities for the future, opportunities that were unfortunately missed in the recent Speech from the Throne.

The opening of the new Parliament could have been a wonderful opportunity for the federal government to demonstrate its desire for Canada to take a commanding role in its efforts to succeed in the knowledge-based economy.

The Speech from the Throne could have been a pillar of Red Book III, a policy lightning rod that would graduate 100,000 Canadians into the most prestigious boardrooms, courtrooms, operating theatres, government offices and computer research stations in this country. It could have demonstrated an exciting and aggressive policy agenda, designed to significantly improve the degree to which the federal, provincial and territorial governments cooperate to capitalize on Canada's greatest natural asset: our people. However, it did not. In fact, I think it is instructive that the words "post-secondary" and "university" did not appear once in the Speech from the Throne.

The federal government has failed to respond to the problems and opportunities confronting post-secondary education. Rather than making a national commitment to revamp the way the federal government coordinates the national delivery of higher education, the Speech from the Throne only nibbled at the edges of the problem.

Here is how the Liberal government plans to improve delivery of quality post-secondary education in Canada. It was stated in the Throne Speech that the government will:

...create Registered Individual Learning Accounts to make it easier for Canadians to finance their learning. And it will improve the loans that are available to part-time students, so more workers can learn while they earn.

Honourable senators, that was about the only direct mention of higher education. This is not to say that other forms of learning, such as early childhood education and adult education, are not equally important. After all, Canadians are coming to understand that education is a lifelong process that brings out the tremendous potential that exists in each and every one of us.

Making post-secondary education affordable and accessible is not just about tax incentives and registered accounts. It is about having a comprehensive plan for change. Canadians deserve better than what they received from the government in the recent Speech from the Throne.

Ad hoc financial measures are not how you build extraordinary education superstructures. Coordinated, strategic and comprehensive policies are needed to develop a coast-to-coast learning environment.

It is not as though there are not plenty of ideas that the government could have drawn on. For example, the election

platform of the Progressive Conservative Party contained an imaginative and substantial set of initiatives to improve the delivery of post-secondary education. I should like to briefly review those.

● (1510)

In the Speech from the Throne the government could have chosen to immediately restore the cash portion of the Canada Health and Social Transfer to at least the 1993-94 levels, but it did not. The government could have chosen to examine federal student assistance programs with a view to moving to a system where student loans are repaid as a percentage of net after-tax income, starting the first full working year after graduation, but it did not.

The government could have chosen to introduce a tax credit to help Canadians repay their Canadian student loans, but it did not. The Progressive Conservative platform proposed a tax credit based on a repayment of the principal, to the maximum of 10 per cent of the principal per year, for the first 10 years after graduation provided the individual remained in Canada.

Honourable senators, in its Speech from the Throne the government could have chosen to eliminate the taxable status of scholarships, but it did not. The government continues to tax poor students, to penalize the smart ones.

The government could have chosen to establish "E-campus" collaboration among universities to co-develop courses and programs. Even if Ottawa is not responsible for the day-to-day administration of post-secondary education, it could take a leadership role in assisting institutions of higher learning to take advantage of technology and facilitating cooperation. The government could have chosen to establish a Canadian "E-learning" resource library to provide the infrastructure for nationwide exchange of "E-learning" content, but it did not.

Honourable senators, these are all well-researched ideas that were included in the Progressive Conservative platform during last fall's election. They were there for the taking, but the government chose to ignore them, as it has overlooked other recommendations including some of those made by the Special Senate Committee on Post-Secondary Education. Canada's post-secondary education sector will, unfortunately, continue to suffer.

As you can see from the Progressive Conservative policy proposals, instituting reforms to Canada's post-secondary infrastructure is limited only by the current government's lack of imagination and creativity. Canada can be a better country for the benefit of all if priority is given to higher-education reform.

If the federal government and my colleagues on the other side of this chamber are committed to leaving their children and grandchildren a post-secondary educational structure that will serve them as well as it served us, this chamber must be transformed into a cauldron of thoughtful policy development and non-partisanship.

Honourable senators, we can find solutions to these pressing problems. We need now the political will to implement them. I look forward to working with colleagues on both sides of this chamber in the weeks to come to direct our energies in this important matter.

Hon. Sheila Finestone: Honourable senators, I am honoured to stand and reply to the Speech from the Throne.

Before I begin, however, I should like to offer my congratulations to the Honourable Sharon Carstairs on her appointment as Leader of the Government in the Senate. She is doing a fantastic job. I love the way that she handles Question Period.

I also offer my congratulations to her seatmate, the Honourable Fernand Robichaud, the new Deputy Leader of the Government.

I offer my congratulations also to the new Speaker of the Senate, the Honourable Dan Hays.

Honourable senators, I cannot proceed with my speech today without remembering with deep regret and deep care the passing of our beloved friend and great senator, Gildas Molgat, whose loss I felt quite profoundly. The untimeliness and the suddenness left us all with a sense of bewilderment and sorrow. In our minds and our hearts the people we love will remain with us forever.

Today I stand to remember him here in the Senate, to say farewell to a friend and to thank him for a job well done.

Honourable senators, the new session of the Senate opens once more under the leadership of our Prime Minister, Jean Chrétien, following the victory of the Liberal Party in the election. This victory is clearly a sign of the trust and confidence that the Canadian people have placed in the hands of the Liberals. Undoubtedly, Canadians have rested their faith in the institution that has proven to have the capacity to transform material circumstances into resources, infrastructures, a strong and flourishing economy, and opportunity for all.

We are proud of our achievements, particularly as they come at a time when one of the most conspicuous features of politics is the transcendence of national frontiers. Processes of economic internationalization, environmental issues and regional and global communication networks have become increasingly matters of concern for the national and international community.

It is the new world order, as they say, and that is really what is taking place. It is nothing like the old industrial revolution. It goes beyond that in its impact of change both in our lifestyle and the world in which we live. It is a new and difficult experience to which society must adjust.

As we are led into the re-evaluation of the nature and limits of our national democracies in relation to the process of social and

economic globalization, we see a strong Canada with sound macro-economic and structural policies that have provided a solid foundation for expansion. Fiscal consolidation by both federal and local governments has led to a sharp reduction in government debt as a ratio of GDP.

Honourable senators, all of these accomplishments have come at a price. At the beginning of our first term, the Canadian people accepted the sacrifices borne from deep and painful budget cuts, difficult but necessary remedies to make the nation prosper once again.

On the 2001 Article IV Consultation Statement by the International Monetary Fund Mission, Canada is praised for its many successes. As the report states, Canada has demonstrated its commitment to liberal trade through initiatives at the multinational, regional and bilateral levels, and has shown much generosity in providing favourable access to its markets to the least developed countries.

The Speech from the Throne articulates the Liberal government's platform for a balanced plan: from opportunity for all to health and quality of care, programs for children and families, research and development, and elimination of the digital divide. The speech is a reflection of the Red Book's conceptual and pragmatic commitments made to the electorate during the campaign. It has proved it was a good plan, thoughtfully conceived and now being enacted.

Honourable senators, I would now like to focus my attention on two salient points contained in the Speech from the Throne that are of major relevance to me: the truly international dimension of our foreign policy and the new invigorated role of our Canadian culture.

From the most expedient disarmament convention prohibiting the use of anti-personnel landmines — and hopefully we can be even more expedient when it comes to nuclear weapons — to the creation of the Canadian International Commission on Intervention and State Sovereignty, to the establishment of the International Criminal Court, as well as to CIDA's new social development priorities, Canada stands as a champion of cosmopolitan democracy. Through these efforts Canada has shown itself to be a country that seeks to entrench and develop democratic institutions at the regional and global levels as a necessary compliment to the institutions of the nation state.

The International Commission on Intervention and State Sovereignty was commissioned by the Canadian government in response to the challenge placed before the international community by the Secretary-General of the United Nations, Kofi Annan. In the Millennium report of September 2000 entitled "We, The Peoples," the Secretary-General urged member states to address the dilemmas posed by humanitarian crises where intervention and the sanctity of the state sovereignty are in conflict.

Honourable senators, in a world of intensifying regional and global relations, the creation of this new political institution to coexist with the state polity will, hopefully, guarantee that regional and global forces will not escape the democratic mechanisms of accountability, legitimacy and transparency, as well as to harmonize the state right to sovereignty and the need for the international community to intervene in countries where democracy appears to be at risk. That is not only for our peacekeepers, but it is for our peacemakers. It is a new concept, and we owe a debt of gratitude to Foreign Minister Axworthy who managed to convince the Security Council to address a very painful issue. I should like to add that Canada's term in the Security Council was constructive, effective and very much a force for wider consultation, openness and new thinking.

• (1520)

The international commission, however, is but one element of our dynamic foreign policy. Within our nation's economic needs, we have demonstrated our willingness to share opportunities and to help the less fortunate. From emergency assistance to earthquake victims, et cetera, we did a lot through the initiatives of Finance Minister Paul Martin for the poorest and most marginalized peoples in the world.

On the other hand, honourable senators, I wish to discuss the question of culture. While we may be open to the multi-dimensional and almost "inevitable" phenomenon of globalization, we must reflect upon the words of Federico Mayor, Director General of UNESCO, who said:

...in its inequitable way, globalization is producing a culture of uniformity and an impoverished world...

Let me explain.

New technologies and new means of communication, which are key to linking our country to the world, are also the keys to our future. However, they are truly the equivalent of just plain "Big Pipes."

[Translation]

Ultimately, this is about the container and what it contains. That is the basis of the idea I wish to put forward.

[English]

It is indeed their content that will influence who we are, our ethics and our values to each other and to the world.

Honourable senators, you understand why it is more important than ever that the government protect and sustain our unique Canadian values and national identities.

The project to promote a "vibrant Canadian culture" is, by a means, the confirmation that economic factors and technology are not the only measures to judge the greatness of our nation.

By committing millions of dollars to enrich Canadian content on the Internet, the Canadian Feature Film Policy, the Canadian Magazine Fund, the sound and recording industry, and the Canadian Council for the Arts, together with the announced funding increase for the CBC, the Canadian government is not merely playing the role of a custodian or administrator of our heritage; it is the sentinel, protecting our cultural diversity at the global level.

This new acquired strength in the visual, literary and performing arts will allow Canadians to fully participate in the new global cultural arena, while preserving a whole complex of distinctive, spiritual, material, intellectual and emotional features that characterize the very diversity of our Canadian heritage, its ethics and its values.

We hope that through the promotion of creative activities within our country and through cultural exchanges with other countries, we can make the world more human in an age when information technology has become very pervasive. We must remember that above and beyond the great technological advancements, it is essential that we encourage dialogue, understanding and critical thinking; that we remember and keep alive those philosophic ideas and ideals that have allowed for the creation of our nation.

In this sense, the program for a vibrant Canadian culture represents a true "renaissance des arts," one that will provide the Canadian people with the historical continuity necessary for sustainable social development. It is within this context that I see the conjunction of two of the great activities portrayed in the Speech from the Throne: that is, the integration of Canadian culture and foreign policy.

Honourable senators, our foreign policy and our commitment to developing countries make it clear that development is a process of enlarging people's choices. In the words of the UN, development should create a conducive environment for people individually and collectively, to develop their full potential and to have a reasonable chance of leading productive and creative lives.

The Canadian development approach assumes that human development is the ultimate objective of economic development but within that concept and within the changing concept of the world in which we live, it is vitally important to remember that each and every one of us has a right in a democratic society to be left alone. It is in that light that I would have wished that the question of a charter of privacy rights had been included in the thinking of the government because that is what is happening. The world encompasses us and as the whole world of technology descends around us, our rights and our freedoms have been changed. We must think about rights and freedoms.

Consistent with the theoretical perspective of Nobel Prize winner Amartya Sen, underdevelopment is viewed as a lack of basic capabilities rather than the simple lack of income and commodities. From this perspective and against the backdrop of a strong economy, our foreign and cultural policies do not seek to merely produce more goods and services, but to increase the capabilities of people to lead full and productive lives in which political freedom, human rights and personal self-respect are guaranteed.

If globalization redefines the political spectrum within which the government is able to act and the global economy yields the imperative of economic competitiveness, the Canadian Liberal paradigm seeks to create equality of opportunity in a world of equal and fair distribution. This is no small task. That is what we are faced with and that is what we are trying to do. We are doing our best in trying to accomplish this great task.

Hon. Douglas Roche: Would the Honourable Senator Finestone accept a question?

Senator Finestone: Yes.

Senator Roche: Senator Finestone made reference in her fine speech to nuclear weapons as a subject of Canada's foreign policy. Could the honourable senator elaborate her views on this subject by focusing on the recommendation that the United Nations Secretary-General Kofi Annan made, which is that there should be a global conference of all nations to identify and eliminate nuclear dangers? Perhaps Canada could host a small meeting of like-minded countries to examine this proposal made by the Secretary-General. Would that be a concrete item within Canadian foreign policy and would it be practical in the honourable senator's view?

Senator Finestone: Honourable senators, that is a very interesting question and it is certainly an interesting challenge. With the evolution of the world in its new face of instability, and

with the knowledge of nuclear capacity having spread to other countries, it would be most important to revisit and to enter into a dialogue once again.

I believe that the people of the world do not want to be exposed to or to have to worry about nuclear weapons and nuclear disarmament. For that matter, they do not want to worry about any of the information under international humanitarian law, which is supposed to cover all those issues that will allow everyone in this room and all of the citizens that we represent to live a peaceful and good life. One cannot live a peaceful and full life, or a good life, if one does not have the safety and the security to live in peace and harmony today and into the future. If this is what it will take for the world to start to move, the smaller nations might be well-advised to look to Canada. I would hope that they could come to Canada and that we could host such a meeting.

As honourable senators know, I do not like to use the words "Big Brother" because they have the wrong connotation, but Canada is perceived to be a supportive, trustworthy country, one with integrity and one with which others can dialogue and perhaps arrive at a reasonable solution. That solution could then be taken to the big boys on the Security Council, where their interests, then, would need to be faced.

Honourable senators, I hope these moral questions are faced and that the three major countries start to think about someone other than themselves.

The Hon. the Speaker: Honourable senators, the time being 3:30 in the afternoon, pursuant to the order of this house, I declare the Senate adjourned until tomorrow at 2 p.m.

Debate suspended.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Thursday, March 15, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, March 15, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

VISITOR IN GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of His Beatitude, Cardinal Mar Nasrallah Boutros Sfeir, Maronite Patriarch of Antioch and all the Orient.

On behalf of all of the senators, I welcome you to the Senate of Canada.

THE HONOURABLE THÉRÈSE LAVOIE-ROUX

TRIBUTES ON RETIREMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in deciding to leave the Senate, Thérèse Lavoie-Roux has ended a devotion to the public good that few in Canada, fewer still in Quebec, have equalled. She has devoted her life to others, and the hours she has given for the good of her fellow citizens are beyond numbering. Those hours have been spent in charitable endeavours, on school boards, in the National Assembly, the Quebec cabinet, the Senate, to name but a few. All of the organizations and institutions that have had the benefit of her efforts have gained from her presence. A proud Quebecer and a proud Canadian, she has always made it her duty to speak out against those who conspire to break apart Canada, mainly out of misplaced vanity.

During two referendum campaigns, for example, this remarkable woman travelled throughout Quebec to reinforce our pride in Canada and to challenge those who see our great country as nothing more than an obstacle to the achievement of their wild aspirations. Whether in a seniors' club, a residential institution or a social club, she was always given a degree of attention and respect afforded to few people in the public eye. People knew that Thérèse was a woman of irreproachable intellectual integrity, something not, unfortunately, often found in the political arena of today.

• (1410)

In spite of being involved in many activities, both in the private and public sectors, she never neglected for a single moment her role as wife and mother. In her view, the family will always be the foundation of a stable and thriving society.

While we deplore Thérèse's departure, we understand it and we must accept it, if reluctantly. She leaves behind exceptional contributions to society, something that few will match.

I wish her many years with her loved ones. No one deserves rest after such a brilliant career more than she does.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I should like to join my colleagues opposing in paying tribute to the Honourable Thérèse Lavoie-Roux on her recent announcement that she will be retiring from the Senate.

Senator Lavoie-Roux has served in the Senate for 11 years. She has been very active during her tenure here, having served on many committees, including the National Finance Committee, the Aboriginal Peoples Committee, and as Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology. As Chair of the Standing Committee on International Economy, Budgets and Administration, Senator Lavoie-Roux presided over a great many beneficial changes in the Senate, including the institution of policies on employment equity, harassment and many other policies with respect to Senate administration.

I came to know Senator Lavoie-Roux best through her work as Deputy Chair of the Special Senate Committee on Euthanasia and Assisted Suicide. She made a strong contribution to that committee. Her experience as a former Minister of Health in Quebec enabled her to view the issues facing the committee from a very special position. Her background as a social worker enabled her to contribute a unique perspective.

Honourable senators, the legacy of Thérèse Lavoie-Roux, as a human being as well as a senator, is her interest in people and her desire to assist them. She will be missed by her many friends and colleagues on both sides of this chamber.

[Translation]

Hon. Lowell Murray: Honourable senators, I would like to wish our colleague, Senator Thérèse Lavoie-Roux, good health and a good rest with her family. She deserves it after spending three decades of her life in the service of our country.

I also want to express to her my most sincere thanks for her cooperation, loyalty, generosity and friendship.

Following the announcement of her resignation from the Senate last week, many comments were made about her passion for social justice and her concern for others, especially the poor.

I should also like to mention her sense of duty and her willingness to take on much more than her fair share of the burden of the parliamentary community. Thérèse Lavoie-Roux is a shining example of public integrity and morality at its very best.

[English]

For her, public office truly is a public trust. I am proud and grateful to have been among her colleagues and friends.

[Translation]

Her presence in this house has enriched Parliament and Canadian public life. We are all in her debt.

Hon. Lise Bacon: Honourable senators, I should like in turn to pay tribute to my former colleague in the National Assembly and my colleague here in the Senate, where I was delighted to meet up with her again. I met Thérèse Lavoie-Roux in the great shuffle of 1976. Fortunately, she inherited a riding that was much easier than mine, but we still had the opportunity to work together in the 1976 elections, in which she was a candidate.

She was obviously happier than I was, but I met up with her again in 1981 in the National Assembly, when I came back. Whether it was in caucus or in the great debates of the day in the National Assembly, Thérèse always played an important role. She was there whenever she was needed, and her great generosity towards her colleagues and the people of Quebec never failed.

She was a top-notch Minister of Social Affairs. This was no easy department. We rarely heard the criticism we hear today about social affairs levelled at Thérèse Lavoie-Roux. I have to say it was no easier then than it is today.

Wherever she was needed, she was there. She was so generous with people. Her concern for justice and to make life easier for the less fortunate were her political leitmotiv. I think Thérèse was always in the forefront in health matters.

We are sorry to see her leave the Senate, but I am happy she is going back to her family. After 30 years of active life, devotion and generosity, she can now rest with her family. She truly deserves to enjoy a slightly quieter life, because life is hectic in politics.

Hon. Roch Bolduc: Honourable senators, Senator Thérèse Lavoie-Roux has decided to retire. It is a wise decision, because she deserves to give a little thought to herself.

Despite her extraordinary career, this was a woman of great simplicity. She was active in hospitals and social services. She chaired the Commission des écoles catholiques de Montréal during the heady days of the late 1960s, when it was the biggest school board in Canada. I came to know her in those days, when she was proudly fighting for better teachers' salaries. However, the government had to be reasonable.

She then went on to be a Quebec MNA, first in opposition with Mr. Ryan, and then as a Minister of Health and Social Services under Premier Bourassa. As Senator Bacon has said, the portfolio was not an easy one.

I can state, from having known and worked with her, that this was a lady of exceptional moral integrity. As secretary-general to the Government of Quebec at the time, I can state that she showed herself worthy of the trust Premier Bourassa placed in her by appointing her as Minister of Health and Social Services.

She had the benefit of the support of an exceptional husband, and this allowed her to give fully of herself. She had the soul of a social worker. Realizing that she had been given many advantages, she gave back a hundred-fold. After she first ran for office, she continued in public life for 35 years. That is quite a record!

Here in the Senate, she devoted herself to the Internal Economy, Budgets and Administration Committee and focussed as much energy on managing public funds as she would have if they had been her own. Some have called her strict, but perhaps that severity was the result of her conviction that frugality was required when dealing with the public purse. Who could fault her for that?

She had a particular interest in the issues handled by the National Finance Committee, examining government spending programs and how they were administered. She also invested a great deal of time and effort into the Euthanasia and Assisted Suicide Committee. I wish her a happy retirement and good health.

Hon. Jean-Robert Gauthier: Honourable senators, I came to know the Honourable Thérèse Lavoie-Roux well, particularly in connection with the Francophonie. She was active in the Assemblée des parlementaires de la Francophonie. In 1996, when I was international president of that Assembly, she was a faithful presence. Although she was not always easy on her staff and on us, her colleagues, she was the spirit of devotion and commitment. She will be greatly missed.

• (1420)

Hon. Gérald-A. Beaudoin: Honourable senators, I should like in the course of the three minutes allotted me to say a few words about the participation of our colleague Thérèse Lavoie-Roux in the 1994-95 Special Senate Committee on Euthanasia and Assisted Suicide, of which she was the Deputy Chair. This committee made an excellent report and was rightly praised by the press.

All of the members of the special committee agreed on a number of things, including the most important matter of palliative care. Our colleague made a most appreciated contribution in this regard.

With regard to euthanasia and assisted suicide, the members of our committee were divided, as was the Supreme Court in *Rodriguez*. Senator Neiman, the Chair, was of one school and Senator Lavoie-Roux of another. The two set out and defended their viewpoints with determination and ability. It was one of the most difficult issues to resolve.

I should like to mention this fact as our colleague leaves us to devote time to her family. Senator Lavoie-Roux sat on a number of committees and left her mark in the fields of education, health care and social affairs. We owe her a lot. We wish her good health.

Hon. Jean-Claude Rivest: Honourable senators, I want to add my voice to those of the other senators who praised the Honourable Thérèse Lavoie-Roux.

Her view of politics and political commitment focussed on the notion of service to the community and social justice.

In these days of globalization, streamlined government spending and cuts to health care and education, the political career of Senator Lavoie-Roux bears witness to the need to reaffirm that one of the main roles of government and the state must be social solidarity.

The entire career of Thérèse Lavoie-Roux, be it with the Commission des écoles catholiques de Montréal, in the opposition in the National Assembly, where Senator Bacon and I had the pleasure of working with her, testifies to this commitment. We should all recall that the great priority of social justice is at the heart of all political action.

I would also point out her great interest in university research, particularly in the area of health, and God knows this is a cause that needs a spokesperson of the stature of Senator Lavoie-Roux. My colleagues, the late Senator David, Senator Keon, and the newly arrived Senator Morin, have appreciated Thérèse's work in this regard. This is a priority for Quebec and for Canada.

I would also point out her deep attachment to Quebec and to Canada, and the invaluable contribution she made through her informed and extremely credible participation in the 1980 and 1995 referendum campaigns.

Honourable senators, I wish to give an example of this deep attachment to Quebec and to Canada. Through her constant involvement in linguistic issues in Quebec in educational and other areas, both as a minister and as an opposition critic, she has left us a very noble legacy when it comes to solidarity in our province. It is the Honourable Thérèse Lavoie-Roux whom we have to thank for the passage of Bill 142 in the National Assembly under the Bourassa government. This legislation guarantees anglophones in Quebec the right to be served in the English language throughout the health and social services network.

Bill 142 is part of Quebec's linguistic heritage. One point I will emphasize, because the issue of Canada's duality is always at the centre of Canadians' concerns, is that nowhere in this piece of legislation can the phrase "where numbers warrant" be found.

Whether they are anglophones or francophones, all citizens of Quebec are equal before the law. This is a vibrant testimony which we should bear in mind as the relationship between

Quebec and Canada evolves, and in order to reaffirm the value and the pre-eminence of Canada's linguistic duality, which Thérèse served so well. I wish her all the best.

Hon. Marcel Prud'homme: Honourable senators, I was a member of Parliament for 30 years. The Honourable Thérèse Lavoie-Roux was an MNA and represented a part of my federal riding of Saint-Denis. For many years, we ran into each other not just dozens but hundreds of times at public and private events.

I always observed that the public reacted with respect and friendship when Madame Lavoie-Roux came into sight. She was a woman who disarmed the worst opponents with a smile. I wish her a restful retirement and I assure her of my friendship.

[English]

SENATORS' STATEMENTS

HIS EMINENCE CARDINAL MAR NASRALLAH BOUTROS SFEIR

Hon. Pierre De Bané: Honourable senators, it is my privilege today to introduce to you His Beatitude, Cardinal Sfeir, who is among us for the first visit to Canada of a Maronite Patriarch.

The Maronite Church, of which he is the leader, is one of the most ancient Christian communities, as its foundation goes back to the 5th century, when the holy monk, Saint Maroun, gathered around him many disciples in the Christian faith who were willing to live in accordance with the precepts of the New Testament.

[Translation]

The Patriarchal See over which His Beatitude Cardinal Sfeir now presides, has a long history of 13 centuries filled with tribulations. However, the Maronite Patriarchs have always provided refuge and assistance to the Lebanese during those tragic times when history tested their determination to remain faithful to evangelical values and to protect their freedom.

His Beatitude Cardinal Sfeir assumes his role as Maronite Patriarch with tremendous courage and daring generosity. Indeed, he constantly welcomes, in His Patriarchal See of Bkerke, Lebanese from every class, community and religion whether they are simply believers or politicians. These people go to him because they know that he enjoys a unique legitimacy, in Lebanon and even in all the Orient, that rests on a legacy of 13 centuries. Yesterday, we saw clear evidence of this legitimacy and of its significance for the Lebanese people when 2,000 Lebanese from the national capital region organized an extraordinary celebration for His Beatitude at the Congress Centre, where they all sang an anthem to the Patriarch, who is the symbol of Lebanon's unity.

His Beatitude Patriarch Sfeir is first and foremost a fervent messenger of peace. As a man of thought, spirituality and philosophy, he possesses the wisdom which teaches that peace is built with all and through justice for all. This is the message that he brought to the Prime Minister of Canada this morning.

As a man of letters, he is also a gifted speaker, who can foster dialogue and conciliation, while respecting everyone's identity.

• (1430)

For this reason, honourable senators, His Beatitude keeps the door of his Patriarchal See open to all, and it is a centre for all Lebanese. This mission that is entrusted to Lebanon and the Lebanese at a difficult time in their history is assumed by His Beatitude, incarnated by him I would even say, with the valiant assurance that is the attribute of free and courageous men.

I was in Rome when His Beatitude received his cardinal's hat from the hands of His Holiness the Pope. There were some thirty cardinals in attendance from all over the world, and tradition had it that one was to be selected to thank the Pope on behalf of them all. One of the thirty was the new Cardinal of Montreal, Monsignor Turcotte. The Pope selected Cardinal Sfeir to speak on behalf of the group. There was a loftiness to his speech that I have rarely heard before.

For all of these reasons, I wish to say to His Beatitude that we are very pleased to welcome him to Canada.

Hon. Marcel Prud'homme: Honourable senators, I subscribe to everything that Senator De Bané has said about His Beatitude.

I, too, had the honour to be in attendance in Rome when His Holiness the Pope saw fit to make the Patriarch a cardinal of the Roman Catholic Church, in company with Monsignor Turcotte.

Those who know me are aware of how I always talk of Lebanon, Lebanese sovereignty and my love for the country. It is the only one I have so much good to say about, the one I know best. Honey on earth, that is Lebanon. His Beatitude is a man of great wisdom. The acclaim with which he has been received in Ottawa will pale in comparison with the reception we are preparing for him in Montreal, where Monsignor Khouri is the Maronite Bishop of Canada.

I welcome you to Canada. We who love Lebanon pray for you. We want peace in Lebanon. We want everyone to know that Lebanon has a right to sovereignty. We want to see it prosper.

We thank you for having sent 250,000 of your sons and daughters to Canada, where they are helping us create a more

prosperous and more open country, a cultural gateway. I salute you cordially, until we meet again in Montreal.

[English]

THE LATE ROY ABRAHAM FAIBISH

TRIBUTES

Hon. Jerahmiel S. Grafstein: Honourable senators, the world of ideas is darker and duller with the sudden passage of Roy Faibish last week in London.

Roy was a friend and mentor for over 40 years. Rarely a week went by that we were not in contact by phone, fax or e-mail. Roy was a genius. He was one of those remarkable yet unheralded Canadians that inoculated and stimulated public dialogue with some of the great policy ideas of the last five decades.

Born in a small town in Saskatchewan, educated at Queen's University, he served in the RCAF with distinction then found himself, first, co-opted to Alvin Hamilton as policy advisor and then as a speech writer and idea man for John Diefenbaker, an old family friend.

The Road to Resources, a National Power Grid, the opening to China in the 1950s, to name only a few, were all ideas that he generated. As a confidante and advisor to John Diefenbaker, Pierre Trudeau, Brian Mulroney and even to Margaret Thatcher, he was unparalleled in the reach of his ideas.

Roy was a man of legendary generosity and loyalty.

While Roy was ecumenical when it came to people, he had little patience for Liberals, who he felt lacked vision, with the exception perhaps of the late Paul Martin Senior and Pierre Trudeau. He was a Sir John A. Macdonald Conservative who dreamed great dreams of bringing Canada together from sea to sea by massive development projects on the ground and for the mind. Roy owned great loves and harboured great hates. He hated anti-Semitism and he abhorred racism and all those who were soft on bringing war criminals to justice. He was a restless and rude seeker of the truth whenever and with whomever he encountered.

Roy refused senior positions in government, including a Senate seat. After a long career as a broadcaster and catalyst, he joined the CRTC as vice-chairman. Together with luminaries such as Jean-Louis Gagnon, that great Quebec crusader, Northrup Frye and Fernand Cadieux, he helped transform the Canadian broadcasting and telecommunications landscape. His written dissents are still worth reading.

Twenty years ago, Roy decided to settle in England. He lived in a flat close to the London Library, which became his home away from home. He then bought a home on the coast in Northern Ireland where he retreated to recharge his batteries.

With the advent of e-mail, my regular contact with Roy turned into a flood of daily e-mail that pulsed through his unparalleled international intellectual network. Many so-called media moguls and newspaper pundits across Asia, North America and Europe owed their ideas to Roy, rarely with attribution. To Roy, ideas were like oxygen that filled every room he entered. To be his friend meant you were held more strictly accountable to rigorous standards of intellectual scrutiny. Whether it was Isaiah Berlin, Henry Kissinger, Chou En-lai, Serge Klarsfeld, Pierre Trudeau or Brian Mulroney, all were swayed by his magnetic ideas. He loved books and he loved the spoken word. He was an "old China hand" and because of his deep interest drew many, including myself, into the mysteries of China. He knew poetry, political philosophy, literature, aesthetics, wine, theology, theosophy, quantum physics and technology. There is no area of intellectual interest that his probing curiosity did not explore in depth.

His passage leaves a vacuum in all those who came to know and admire him. Last week, at his funeral in London, I told his wife, Barbara, that I disagreed when she confided that Roy had finally found peace. When Roy encounters the Master of the Universe as he enters the grand celestial court, he will immediately demand an explanation — an accounting for all the misery of the last century. Then the great debate in the sky will begin. Watch for the thunder and lightening. Roy will give no quarter and ask no quarter. Roy had so many facets to his personality that he remains a mystery to even his closest friends.

Roy, we hardly knew you. The world is better, brighter and clearer for your sojourn here. Missed, you will always be.

Hon. Lowell Murray: Honourable senators, I am most grateful to Senator Grafstein for having drawn our attention to the passing of Roy Faibish, who had been my friend for over 40 years. His was one of the most creative minds and generous spirits that I have had the privilege to encounter.

As Senator Grafstein has indicated, Roy Faibish provided much of the intellectual impetus for John Diefenbaker's vision of the North and of national development. Together with his minister, the Honourable Alvin Hamilton, and Merrill Menzies, he was part of a formidable team that changed the Tory party in the 1950s and 1960s. They changed Canadian politics and, I believe, changed the country for the better.

His intellect could make him a devastating critic, as he sometimes was, but his great heart made him a warm and fiercely loyal friend. For reasons personal as well as political, I join with Senator Grafstein and many others who also recall the singular contribution of Roy Faibish to an era of dynamic change and development in Canada.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— INVOLVEMENT OF DEPUTY PRIME MINISTER

Hon. J. Michael Forrestall: Honourable senators, there has been an unusual level of activity among senior public servants within the Privy Council in an attempt to keep the Deputy Prime Minister fully informed on the replacement of the Sea King.

For example, on January 6, 1999, there was a meeting of helicopters attended by Ian Green, Deputy Secretary to Cabinet, Privy Council Office and Jim Judd, Deputy Minister, Department of National Defence. On January 15, 1999, there was a meeting attended by Ian Green of the Privy Council Office and Michael Kergin, Assistant Secretary to Cabinet, Foreign and Defence Policy, PCO. On January 20, there was a meeting attended by Ian Green; Mike Kergin; Ron Bilodeau, Associate Secretary to the Cabinet and Deputy Clerk of the PCO. On January 28, there was a meeting attended by Ian Green; Jim Judd; Pierre Legueu, formerly Assistant Deputy Minister Materiel, DND; Rana Quail, Deputy Minister, Public Works and Government Service; Richard Fadden, Assistant Secretary Treasury Board for Government Operations; Morris Rosenberg, former Deputy Secretary Operations in the PCO; Lorenzo Friedlaender, Director Strategic Planning, Foreign and Defence Policy, PCO; and Jack Stagg, Assistant Secretary to Cabinet, Economic and Regional Development.

• (1440)

On February 1, 1999, there was a meeting on helicopters attended by Ian Green, Jack Stagg, George Da Pont, Director Operations, Economic and Regional Development within the PCO, and Karen Ellis, Economic and Regional Development. On February 5, 1999, there was a meeting on helicopters attended by Ian Green, PCO, and Jim Judd. On February 25, there was a pre-briefing meeting for Minister Gray, attended by Ian Green, PCO, and others too lengthy to list. On February 25, 1999, there was a briefing of Deputy Prime Minister Gray, attended by Ian Green, Jack Stagg, and George Da Pont, PCO.

It goes on and on and on.

For a cost-compliant formula for the purchase of a piece of military equipment, that is a lot of politics, in my judgment.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before moving on to the next item on the Order Paper, I draw your attention to the presence of visitors in our gallery. I am referring to the participants and organizers of this year's Forum for Young Canadians.

On behalf of all senators, welcome to the Senate of Canada.

ROUTINE PROCEEDINGS

THE SENATE

PRIVILEGES, STANDING RULES AND ORDERS—
NOTICE OF MOTION TO REFER QUESTION OF OFFICIAL
RECOGNITION OF THIRD POLITICAL PARTY

Hon. Gerry St. Germain: Honourable senators, I give notice that on Tuesday, March 20, 2001, I will move:

That the matter of officially recognizing a third party, within the procedures of the Senate, be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.

[Translation]

AUDITOR GENERAL

MR. DENIS DESAUTELS—NOTICE OF MOTION
TO EXPRESS GRATITUDE FOR SERVICE TO COUNTRY
DURING TENURE IN OFFICE

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Tuesday next, March 20, 2001, I will move:

That, in the opinion of the Senate, Mr. Denis Desautels has been an excellent Auditor General of Canada.

Scrupulously honest, professional, fair-minded and a determined investigator, Mr. Desautels carried out his duties as Auditor General efficiently and effectively. During his ten-year term, he not only verified the government's accounts but also was able, thanks to his leadership, to lead a team as professional and dedicated as himself.

The Parliament of Canada thanks Mr. Desautels for his services and recognizes the valuable work he has done for his country.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY INTERNATIONAL STATE AND NATIONAL STATE
OF AGRICULTURE AND AGRI-FOOD INDUSTRY AND TO APPLY
PAPERS AND EVIDENCE OF STUDY ON STATE
AND FUTURE OF AGRICULTURE

Hon. Jack Wiebe: Honourable senators, I give notice that on Tuesday, March 20, 2001, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada; and

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Committee on Agriculture and Forestry during the Thirty-sixth Parliament be referred to the Committee; and

That the committee submit its report no later than June 30, 2002.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRESENT STATE AND FUTURE OF FORESTRY
AND APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION
TO CURRENT STUDY

Hon. Jack Wiebe: Honourable senators, I give notice that on Tuesday, March 20, 2001, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to receive, examine and report on the papers and evidence received and the work accomplished by the Standing Senate Committee on Agriculture and Forestry during its consideration of the present and future state of forestry during the Second Session of the Thirty-sixth Parliament; and

That the committee submit its report no later than June 30, 2001.

VIEWS OF BRITISH COLUMBIANS ON WESTERN ALIENATION

NOTICE OF INQUIRY

Hon. Pat Carney: Honourable senators, I give notice that two days hence, pursuant to rule 57(2), I will call the attention of the Senate to the views of some British Columbians on the subject of Western alienation and ways to reduce regional tension.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present 666 signatures from Canadians in Alberta, British Columbia, Saskatchewan, Ontario, Nova Scotia, Prince Edward Island and Quebec, as well as 421 non-Canadians from all across the United States who are researching their Canadian ancestors, totalling 1,087 people who are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of the Statistics Act since 1906, to allow release to the Public after a reasonable period of time, of Post1901 Census reports starting with the 1906 Census.

These signatures are in addition to the 363 I presented in this place on February 20 this year and the over 6,000 I presented before the previous Parliament.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—ROLE OF CABINET COMMITTEE OVERSEEING PURCHASE COMPETITION

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. First, I thank her for her most gracious response, full of information, on the question of merchant mariners. I might tell the Leader of the Government that I had a number of calls last night and again today. I simply want to convey, through His Honour, the warmth of those for the measures the government is about to take.

Yesterday in response to my question on the Gray committee's involvement in the Maritime Helicopter Project, the minister replied:

I believe the committee's role is very clear. It will give the government the best possible advice on the purchase of the replacements for the Sea Kings.

My question today for the minister is: If the helicopter is chosen on the basis of lowest-price compliancy — the cheapest, in other words — what room is there for cabinet choice? Thus, what is the role of the Gray committee to ensure that it is not EH-101 or S-92?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question and for his comments, but I must begin this afternoon by saying that I unwittingly misled the senator the other night with regard to some information I gave concerning the merchant navy veterans. I apologize to him and to the chamber. I would like to set out exactly where that misinformation occurred.

In my response, I had indicated that the government had made payments to 6,600 merchant navy veterans, and that in February, \$50 million would be required, but by October that figure had been underestimated and that another \$20 million was provided. All of that information is absolutely correct.

However, in my remarks, I stated that a further \$35 million will be needed, and I assured the senator it would be forthcoming. The Minister of Veterans Affairs has now informed me that he is awaiting the final numbers as to what the ultimate cost will be and at that time he will go to cabinet.

Senator Forrestall: I am with you.

Senator Carstairs: In response to the question today with respect to the question of lowest-price compliancy, the senator insists that that will be the only basis upon which this decision is made. I am assured it is not the only basis upon which the decision will be made.

• (1450)

Senator Forrestall: Honourable senators, things do change from day to day, just like the weather in Nova Scotia.

Can the minister give a categorical denial that the government wants to exclude the EH-101 from possibly winning the competition? If you are picking an aircraft based on the "lowest price compliancy," you need no meetings of the Gray committee or of any committee of Privy Council or of any other committee because you have already set out the criteria. You have made, very plain. It is your letter of interest, the LOI. The expressio determined from that, and the subsequent collection, will be based on a clearly set out formula as long as it meets basic requirements. It has always been assumed that it can fly, but that does not mean it is the best value or anything.

What is the role of the Privy Council and Deputy Prime Minister Gray's function in all of this? Is the minister suggesting that it has nothing at all to do with the greater good of Mr. Gray's constituency? Like the Prime Minister, he is in there fighting for his constituents. I should like to know why all this activity is occurring when it is clearly based on a lowest-price compliancy proposition?

Senator Carstairs: Honourable senators, again the honourable senator insists that it is the only factor when it is not the only factor.

Senator Forrestall: I did not say that it is the only factor.

Senator Carstairs: Honourable senators, clearly price is an issue. Value is also an issue. However, the overriding issue must be what is in the best interests of the equipment of our Armed Forces? Those matters will be worked on together.

As far as the honourable senator's earlier statement, namely that a lot of politics is taking place, I should like to point out that it is the business of Parliament to be in politics. Furthermore, we hope that politics, in and of itself, will always be considered to be an honourable objective.

Senator Forrestall: Honourable senators, I have spent virtually 40 years of my life in politics. I always considered it to be honourable, and I have tried to be honourable in my activities in public life.

REPLACEMENT OF SEA KING HELICOPTERS—EFFECT OF LOWEST-PRICE COMPLIANCY PROVISION ON COMPETITION

Hon. J. Michael Forrestall: Honourable senators, I just want an answer. Of course "price compliant" is not the only criterion. You have heard me long enough now to know that price compliancy will rule out the EH-101. The question of certification will rule out the Sikorsky S-92, leaving the Eurocopter Mark II, the Cougar, as the only viable contender for the prime consideration — not the only one but the main one — is the lowest cost.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is true that the honourable senator has had 40 years of very honourable service.

In terms of the issue of price compliancy, he and I will have to agree to disagree. He has made the statement over and over that he thinks it is the only criterion. I have replied that it is not the only criterion. We will have to await the ultimate decision to discover who is correct.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have several delayed answers. First, I have a response to the Honourable Senator Kelleher's question, on February 7, 2001, regarding Committee on Internal Trade, Request for 1999 and 2000 Annual Reports and effects of Interprovincial Trade Barriers on Attracting Foreign Investment. I have a response to a question by the Honourable Senator Spivak, on February 21, 2001, regarding the Canada Food Inspection Agency, Problems of Surveillance and Enforcement; and a response to questions raised by the Honourable Senator Forrestall on February 20, 21 and 22, 2001, regarding Replacement of Sea King helicopters, Requirements of Procurement Process, Division of Procurement Competition, Authority to Disregard Procurement Process of Treasury Board Guidelines.

INDUSTRY

COMMITTEE ON INTERNAL TRADE— REQUEST FOR 1999 AND 2000 ANNUAL REPORTS

(Response to question raised by Hon. James F. Kelleher on February 7, 2001)

The Annual Reports Senator Kelleher referred to in his question of February 7, are prepared by the Internal Trade Secretariat, an organization which is funded and directed by all the parties to the Agreement on Internal Trade (Agreement).

The most recent report available is the one for the 1997-1998 fiscal year, which you indicated you already have.

The Executive Director of the Internal Trade Secretariat has indicated that the 1998-1999 report will be available in Spring 2001, that procedural measures are in place to ensure that all outstanding reports will be completed by Fall 2001,

and that future annual reports will be available within six months of the March 31st fiscal year end.

Since the Annual Reports are public documents, and there is no requirement, in the Agreement or its enabling legislation, for the government to table the report either in the Senate or in the House of Commons, I would encourage the members to visit the Internal Trade Secretariat's Internet site at www.intrasec.mb.ca should they wish to obtain a copy of the most recent report.

INTERNATIONAL TRADE

EFFECT OF INTERPROVINCIAL TRADE BARRIERS ON ATTRACTING FOREIGN INVESTMENT

(Response to question raised by Hon. James F. Kelleher on February 7, 2001)

I welcome this opportunity to respond to Senator Kelleher's concerns about progress in reducing barriers to interprovincial trade. The document to which he refers is public and available on an Internet site maintained by the Internal Trade Secretariat.

This document identifies the outstanding obligations for each of the 13 parties (10 provinces, two territories and Canada) to the Agreement on Internal Trade (AIT). According to the Secretariat, all of Canada's substantive obligations either have been or are being fulfilled.

Furthermore, this lengthy list includes many items of an administrative nature, such as submitting annual reports or performance reviews. The federal government will make every effort to continue to fulfil its requirements and encourages the provinces to do so as well.

The few remaining substantive commitments require active provincial and territorial involvement, since the removal of barriers is a shared responsibility. For example, governments agreed that the qualifications of workers from one part of the country would be recognized and accommodated in other parts of Canada and differences in occupational standards reconciled as much as possible. Under the Social Union Framework Agreement, all governments, except Quebec, agreed to a deadline of July 1, 2001 to complete this work. Quebec, however, has indicated its willingness to also work to this deadline. The Honourable Jane Stewart, Minister of Human Resources Development Canada, has been working closely with her provincial counterparts to try and meet this objective. Moreover, the federal government has also been providing financial assistance to regulatory bodies to offset some of their additional expenses involved in meeting this objective.

Federal, provincial, and territorial ministers responsible for internal trade issues agreed at their last meeting in April 2000 to reinvigorate the Agreement on Internal Trade and complete the outstanding obligations, mainly dealing with procurement and energy, as soon as possible. The procurement negotiations involve extending to Crown corporations the commitment not to discriminate against out-of-province suppliers. The energy talks deal with the incorporation of an energy chapter into the Agreement that would, among other things, facilitate the transmission of electricity from one province through another to a third market. The federal government has played a leadership role in continuing to bring provinces together with a view to reaching agreement on contentious questions. Internal trade ministers are scheduled to meet on April 26 and 27, 2001 in Winnipeg.

They will also be reviewing exceptions to and exclusions from the AIT and discussing the future direction of the Agreement, taking into account some preliminary results of a public consultations process that has been underway since last fall. The federal government looks forward to these consultations with the provinces in April on charting the future course of the Agreement.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— PROBLEMS OF SURVEILLANCE AND ENFORCEMENT

(Response to question raised by Hon. Mira Spivak on February 21, 2001)

BSE import history and policies - live animals

Cattle were last imported into Canada from the United Kingdom (UK) in 1989. In 1991, CFIA established a monitoring program for UK animals imported before the 1989 ban. This program was responsible for detecting Canada's sole case of BSE in 1993 in an animal which had been imported from the UK in 1987. In 1994, all UK origin cattle imported into Canada after 1982, were ordered destroyed.

Importations of cattle from countries where the BSE was diagnosed in native cattle were prohibited. Since 1997 importation of live cattle has been limited to countries Canada considered free from BSE following comprehensive risk assessments. In 1999, the same import restrictions were extended to importations of live ruminants. The only European country from which Canada had imported ruminant livestock in the last decade that subsequently reported BSE in indigenous cattle was Denmark. These animals have been traced and those identified have been ordered removed from Canada or destroyed.

BSE import history and policies - germplasm

Except for the United Kingdom, bovine embryos from BSE-infected countries, or from countries where BSE has been reported, are eligible for import into Canada under certain certification requirements. The requirements prescribed meet or exceed recommended norms of the OIE International Animal Health Code. Embryos of other ruminant species are currently only permitted to be imported from countries assessed as free from BSE. Canada is currently reviewing its' import policy for embryos.

Semen is exempt from additional requirements pertaining to BSE.

BSE import history and policies - meat and meat products

Since 1991, no regulated beef or beef products has been imported from European countries not considered free from BSE by Canada. Importation of food items containing highly processed bovine by-products such as bouillon in Oxo cubes or gelatin in candies are permitted.

BSE import history and policies - rendered material

From 1982 through 1997 Canada did not import any meat and bone meal from the United Kingdom. Recent reports through the FAO and the WHO have cited UK export statistics which imply that Canada has imported tonnes of meat and bone meal that would be a risk for BSE. These trade statistics are based on an internationally harmonized system (HS) of codes. This system is prone to errors of coding and categories used for commodity description is very broad and does not indicate end use. For this reason, the CFIA has individually investigated every importation of suspect commodities included in this report. During 1997 through 2000 the CFIA can confirm that no European countries exported rendered animal materials to Canada for use in livestock feeds. In December 2000, the importation of rendered animal protein from any country that Canada has not evaluated as free from BSE (includes all European countries) was prohibited.

BSE import policies - veterinary biologics (bovine, ovine or caprine origin for animal administration)

May be imported from countries designated free from BSE.

Importation from countries not designated free of BSE is prohibited. Requests for exemptions from this prohibition are reviewed on a case-by-case basis, considering product, source of material of animal origin, manufacturing methods and intended use.

BSE import policies - veterinary biologics (containing bovine material) for in vitro use

From countries not classified free from BSE, may be imported under the authority of an import permit issued by the Canadian Food Inspection Agency (CFIA) specifying conditions of use and disposal.

Domestic Feed Ban

Other preventive measures taken by CFIA include the 1997 amendment to the *Health of Animals Act* which introduced a ban on the feeding to ruminants of protein that originated from mammals, other than swine and horses. Industries that are involved in the manufacturing, importation, and sales of rendered material and livestock feed have to keep records of the sale of this restricted material. Labels on livestock and poultry feed containing this material must specify that the product is **not to be fed to cattle, sheep, deer, or other ruminants**.

The CFIA issues permits to operate rendering plants in Canada. All rendering plants in Canada inspected annually by CFIA prior to issuance of a new permit. Domestic renderers are complying fully with all requirements of the Health of Animals Regulations. Renderers which manufacture both "prohibited" and "non-prohibited" materials have separate production and/or distribution equipment; and/or are following documented procedures which prevent the mixing and contamination of "non-prohibited material" by "prohibited material." Commercial feed mills are inspected triennially for compliance with the requirements of the Health of Animals Regulations.

A test to detect the presence of bovine DNA is in the final stages of development. In the first part of 2001, this test will be utilized, in conjunction with other techniques such as microscopy, to audit compliance with the feeding ban. Development of tests to detect prohibited material from other species is ongoing.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—REQUIREMENTS OF
PROCUREMENT PROCESS—DIVISION OF PROCUREMENT
COMPETITION—AUTHORITY TO DISREGARD PROCUREMENT
PROCESS OF TREASURY BOARD GUIDELINES

(Response to questions raised by Hon. J. Michael Forrestall
on February 20, 21 and 22, 2001)

ANSWER (February 20, 2001)

The inclusion of long-term in-service support as part of the helicopter and mission system procurement strategies

will allow potential bidders to incorporate many factors associated with commonality in their proposals. Examples include commonality related to spare parts, repair and overhaul, technical documentation, translation and engineering services.

With respect to the DND document referred to in the question asked by Senator Forrestall, the Department of National Defence is still in the process of searching for the relevant document.

ANSWER (February 21, 2001)

As the Minister of National Defence has stated several times, the Government is committed to the acquisition of a new maritime helicopter based on a fair, open, and transparent competitive process to ensure that the Canadian Forces get the equipment it really needs, at the best possible price for Canadians.

Ultimately, it is the government's responsibility to decide on the best procurement strategy when spending Canadian taxpayers' money on a large project such as this one.

Ministers have always been involved in the procurement process for Major Crown Projects. While the Statement of Operational Requirement (SOR) was solely developed by the military, it is our duty, as an elected, responsible and accountable Government, to make the ultimate decision on the procurement strategy. This is how it has to work in a democratic country like Canada.

By using separate calls for tender, Canada will get the helicopters and services that it needs and the necessary long term in-service support at the best possible price.

This approach will also allow a larger number of companies to bid on the contract. Using a single contract would eliminate many Canadian companies that are interested in becoming the prime contractor.

ANSWER (February 22, 2001)

The Government is committed to the acquisition of new maritime helicopters based on a fair, open, and transparent competitive process. It is the Government's responsibility to decide on the best procurement strategy when spending Canadian taxpayers' money on a large project such as this one. For the Maritime Helicopter Project, "best value" means ensuring that the Canadian Forces get the equipment that it needs at the best possible price for Canadians.

The Government's strategy is consistent with the contracting policy, which states that "the objectives of government procurement contracting is to acquire goods and services and to carry out construction in a manner that enhances access, competition and fairness and result in best value or, if appropriate, the optimal balance of overall benefits to the Crown and the Canadian people."

The procurement process has been structured so that taxpayers will receive best value. Companies will be competing with pre-qualified equipment that meets DND requirements, thus allowing the Government to select the required equipment based on the lowest price.

The Maritime Helicopter Statement of Operational Requirement was developed by a team of experienced military and operations research personnel in the Department of National Defence. It expresses the Canadian Forces' minimum essential military requirements for the Maritime Helicopter weapon system within context of the post-Cold War world.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under the heading Government Business in the Order Paper, there are two motions dealing with committees. These two motions have been the subject of numerous discussions with our colleagues across the way, Senator Lynch-Staunton and Senator Kinsella. An agreement was reached this morning and we will proceed as follows.

[English]

First, we will call Motion No. 1 under Government Business, concerning the creation of the two new committees and deal with it immediately. Once we have dealt with Motion No. 1, we will ask for leave to revert to Government Notices of Motion and seek leave to move and adopt a new motion to refer the issues surrounding committee restructuring to the Standing Committee on Privileges, Standing Rules and Orders. At that point, we would be prepared to seek leave to have Motion No. 3 under Government Business, concerning the size of committees, discharged and dropped from the Order Paper.

[Senator Robichaud]

THE SENATE

MOTION ON PROPOSED CHANGES TO RULE 86 ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Rompkey, P.C.:

That Rule 86 of the *Rules of the Senate* be amended:

1. by deleting subsection 86(1)(h) and replacing it with the following:

(h) The Senate Committee on Foreign Affairs, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and Commonwealth relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid;
- (iv) territorial and offshore matters.

2. by deleting subsection 86(1)(m) and replacing it with the following:

(m) The Senate Committee on Social Affairs, Science and Technology, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is an order of the Senate to that effect, bills, messages, petitions, inquiries, papers and other matters relating to social affairs, science, and technology generally, including:

- (i) Indian and Inuit affairs;
- (ii) cultural affairs and the arts;
- (iii) social and labour matters;
- (iv) health and welfare;
- (v) pensions;
- (vi) housing;
- (vii) fitness and amateur sports;
- (viii) employment and immigration;
- (ix) consumer affairs; and
- (x) youth affairs.

3. by adding new subsections 86(1)(r) and 86(1)(s) after subsection 86(1)(q) as follows:

(r) The Senate Committee on Defence and Security, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to national defence and security generally, including veterans affairs.

(s) The Senate Committee on Human Rights, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquires, papers and other matters relating to human rights generally.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, in rising to speak to this motion, I should like to divide my remarks between issues of form and process and issues of substance. I shall begin with the latter, namely, the substance of the work that would be assigned to the two proposed committees, a committee on defence and a committee on human rights.

I think all honourable senators are of a common mind that the issues of national defence that would be dealt with outside of the larger forum of the house, namely in a committee forum, are the kinds of issues on which honourable senators in the past have done first-class work. Given the changes occasioned by the diminution of the size of our Armed Forces and the diminutions of available resources, a great deal of new public policy in the area of defence must be evolved. Honourable senators can make a significant contribution to the development of a defence policy for Canada in the world of the 21st century.

Equally, in terms of substance, the area of human rights is such a vast area that sometimes it is important to consider human rights issues in a transcendental way and sometimes in a horizontal way. Regardless of the issue that is before a given standing committee, whether it be the examination of a bill or an order of reference — it will have a human rights dimension to it. In many ways, human rights themes are horizontal to the work that we do here in the chamber and the work done in committee.

On the other hand, there are obvious areas of human rights analysis that should not escape particular attention by the Senate of Canada.

• (1500)

There is the whole area of treaties in which Canada has engaged. Canada has deposited those instruments of ratification, such as covenants under the auspices of the United Nations and its family of agencies, including ILO conventions, particularly Conventions 100 and 111. Convention 111 deals with racial discrimination, a matter which during the past while has been raised in this chamber. There are international human rights instruments relating to the work of the World Health Organization, instruments relating to UNESCO, and others relating to the Food and Agriculture Organization.

As an example, work is being done pursuant to the international covenants in the area of civil and political rights and in the area of economic, social and cultural rights. Periodically, our country, with the participation of all jurisdictions across Canada, does a tremendous amount of research work to prepare Canadian reports that are sent to the appropriate review agencies.

As honourable senators know, the committee examining human rights under the International Covenant on Civil and Political Rights has a Canadian representative. Max Yalden, former Chief Commissioner of the Canadian Human Rights Commission, sits on that 18-person committee in a personal capacity. That committee reviews Canada's reports as prepared by the provinces and the federal government.

Another special committee's important work serves as a social audit on the steps Canada takes to fulfil its obligations under the economic, social and cultural rights covenant. From that committee's report, it seems to me, we have missed tremendous opportunities in policy development by not examining the reports that Canada periodically submits. We need not wait until the UN makes its own assessment, as it did in the recent past by pointing out our failings as a rich country to care properly for Canadian children who live in unacceptable poverty.

Honourable senators, we should study these reports in detail. Then we could provide our own social audit function as a part of that system.

A few weeks ago, the domestic report of the Canadian Human Rights Commission was tabled in this house. We have decided as a house to examine that report in Committee of the Whole. That report speaks to domestic human rights issues which need that special, direct kind of reflection.

Honourable senators, I believe that we must examine such content either in Committee of the Whole or in a special committee or, in a horizontal fashion, through the other committees.

As far as the subject matter of this motion is concerned, no honourable senator would quarrel with our desire to have that work accomplished. Our difficulty is a pragmatic one. There are only so many hours in the run of a week. We have limited resources, notwithstanding popular opinion in some quarters to the contrary. We must carefully schedule human resources and physical resources. We are concerned greatly with the entire committee structure in terms of human as well as financial resources.

As the Deputy Leader of the Government has indicated, we have sought to make progress by participating in important discussions through the usual channels. We may have found the kind of compromise that will achieve the most appropriate committee structure possible.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I move, seconded by the Honourable Senator Robichaud, P.C., that the motion be amended by adding after the last paragraph the following:

And that this change to the *Rules of the Senate* remain in force and effect until a new committee structure is adopted by the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

Motion in amendment agreed to.

The Hon. the Speaker: On the question of the main motion as amended, is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion as amended agreed to, on division.

PRIVILEGES, STANDING RULES AND ORDERS

MOTION TO EXAMINE STRUCTURE OF COMMITTEES IN THE SENATE ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move, seconded by the Honourable Senator Kinsella:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the structure of committees in the Senate, taking into consideration — *inter alia* — the following:

- available human resources
- the schedule of committees
- the mandate of each committee
- the total number of committees
- the number of senators on each committee;

And that the Committee report its findings to the Senate no later than Wednesday, October 31, 2001.

Motion agreed to.

MOTION TO INSTRUCT COMMITTEE TO REVIEW NUMBER OF COMMITTEE MEMBERS FOR STANDING COMMITTEES AND MOTIONS IN AMENDMENT DISCHARGED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Ferretti Barth:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the maximum number of Senators for each of the several standing committees provided for in Rule 86(1); and

That the Committee report its findings to the Senate no later than Tuesday, March 27, 2001,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Cohen, that the motion be amended by deleting the last paragraph thereof namely:

That the Committee report its findings to the Senate no later than Tuesday, March 27, 2001.

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that all the words after the word "That" at the beginning of the second paragraph be deleted and the following substituted:

the Committee report its findings to the Senate no before it has reported on the subject matter of Senator Gauthier's motion, as amended by Senator Comeau, establish a Standing Committee on Official Language

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate, request that the order be discharged and that the subamendment of Senator Murray, the amendment of Senator Kinsella and the motion be withdrawn.

The Hon. the Speaker: Senator Robichaud, you are referring to Order No. 3. Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it agreed that the subamendment and the amendment to Order No. 3 on our Order Paper 1 be discharged and the motion withdrawn?

• (1510)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, as one who has had fingers pointed at him as being a little too concerned with the committee structure to the extent of wanting to block the creation of two new committees let me first say that it was never my intention in my objections to deny the importance of human rights and defence as topics studied by the Senate.

The compromise that has been reached today achieves two goals. The first is a challenge to the two new committees to fit into the committee structure, and I wish those responsible well in that, although I am not too confident that they will be able to do so. The second is that the Rules Committee has been charged with re-evaluating our committee structure and bringing it up-to-date, allowing us to improve on what has worked reasonably well so far. However, it is becoming a little difficult to function as effectively as we would like because of the additional responsibilities given the needs of existing committees, the additional new committees, and the additional subcommittees. There is need in our process for a certain amount of discipline and order to allow the committee system to work more effectively. That was the only basis for the apprehension that was expressed.

I thank the leadership on the other side for having come to this agreement, which was a give and take, something which this place is all about. I am confident that, in the end, we will all come out the better for it.

Hon. Charlie Watt: Honourable senators, while discussing the formation of these two important committees, I should like to take this opportunity to raise another matter. There was an attempt in the past, which I believe was an oversight, to have Indians and Indian affairs fall within the purview of the Standing Senate Committee on Social Affairs, Science and Technology. Since we will be reviewing the mandate of committees, this is a perfect opportunity to remove that responsibility from that committee. I felt it important to put that comment on the record.

Hon. Willie Adams: Honourable senators, I concur in what Senator Watt has said. The Inuit and the Indians pay taxes, too. I, too, would like to see matters pertaining to us referred to the Standing Senate Committee on Aboriginal Peoples.

The Hon. the Speaker: Honourable senators, if no other honourable senator wishes to speak on the motion of Senator Robichaud, I take it that the house is ready for the question. Is it agreed, honourable senators, that, the subamendment and amendment, namely to item No. 3 on the Order Paper, be discharged?

Hon. Senators: Agreed.

Motions in amendment discharged.

The Hon. the Speaker: Honourable senators, is it agreed that the motion be discharged?

Hon. Senators: Agreed.

Motion discharged.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

"Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with who we share planet earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security, can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a "common purpose" to this country — to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government's blueprint for this country's future is a plan to strengthen Canada's communities, build a vibrant economy, and govern with integrity.

Strengthening Canada's communities

Canadians feel that the fabric of Canada's communities and institutions has been weakened in recent years.

Canadians' faith in their healthcare system has been shaken. Healthcare cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada's social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government's Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels. This would restore completely the health and post-secondary education dollars cut from transfers to provinces.
- Add a sixth principle to medicare — guaranteed stable and predictable long-term healthcare funding — through legislation. Never again will a government be able to scoop billions of dollars out of health care.
- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.
- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.
- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.

- End the taxation of scholarships awarded to students in colleges and universities.

- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.

- Replace the federal Young Offenders Act with new legislation that reflects the principles of protection of the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice.

- Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

- Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners, that the new economy demands we reward investment, innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians — those least able to pay taxes — from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.

- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.

- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt - the mortgage on our children's future - within 25 years, and pay down the principal on the debt by \$25 billion over the next five years.

- Implement an annual "Red Tape Budget" detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- Work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they are elected.

My government would restore integrity to the governing of Canada by increasing the democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive "whistle-blower" legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the quality of life of armed forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us towards a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

- We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It's their money, and we want to leave it up to them to save, spend or invest as they see fit.

- Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

- We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable Members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations."—(*Pursuant to Order adopted March 1, 2001—5 sitting days remaining*).

The Hon. the Speaker: Honourable senators, this item stands in the name of Senator Nolin. I see senators rising.

Senator Nolin, do you wish to speak? It is adjourned in your name.

Hon. Pierre Claude Nolin: Is it adjourned in my name? I thought His Honour adjourned the debate yesterday, and that was it.

The Hon. the Speaker: Honourable senators, I was mistaken. The first senator to rise was Senator St. Germain.

Senator Nolin: I will give my turn to Senator Tkachuk and I will speak after.

Hon. Gerry St. Germain: Honourable senators, I wish to begin by congratulating all those —

Senator Nolin: I gave my turn to Senator Tkachuk.

Senator St. Germain: I was up first.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, what happened yesterday is that Senator Finestone concluded her address and, prior to Senator Nolin rising to move the adjournment of the debate, the Speaker read the house order, which was the proper thing to do. In effect, the debate was still continuing in Senator Finestone's name. Had this been yesterday before the house rose, Senator Nolin would have moved the adjournment.

Hon. Sheila Finestone: Honourable senators, may I now adjourn the debate in the name of Senator Nolin?

The Hon. the Speaker: Honourable senators, I went to Senator Nolin because I had an obligation to recognize him, and I do so.

[Translation]

Out of a sense of fairness, I will give the floor to Senator Tkachuk. I presume that Senator St. Germain will want to speak after that. I will close the discussion.

Senator St. Germain: Honourable senators, I should like to speak before, if possible, but I hope that the Speaker of the Senate will make the decision.

[English]

The Hon. the Speaker: Senator St. Germain is right. Senator Finestone, I will hear you on a point of order.

Senator Finestone: Honourable senators, I completed my presentation yesterday. I was very happy to speak in this house, and I am now happy to turn the floor over to the rightful person, namely, Senator Nolin, and have him speak to the motion.

The Hon. the Speaker: Honourable senators, this is an issue that the Chair must resolve. We are all familiar with the history of this matter.

I recognize Senator Corbin on a point of order.

Hon. Eymard G. Corbin: Honourable senators, we are wasting time. I am ready to speak.

The Hon. the Speaker: There seems to be some importance to this. Thus, I will make a decision. Everyone is familiar with the history, and I will not repeat it. I said that I saw Senator St. Germain rise. I now recognize Senator St. Germain.

Senator St. Germain: Honourable senators, I wish to begin by congratulating all those who achieved high office in this place after the last federal general election. I am sure the sense of fairness that His Honour has demonstrated throughout his public career, and especially as Deputy Leader of the Government in the Senate, will be one of his greatest assets in his new position.

I have referred to Senator Carstairs' integrity in previous debates. I know that although she is the Leader of the Government in this place, and as such a member of cabinet, she will not forget her days in opposition in Manitoba. She will not forget the role that the opposition must play in holding the government to account. Let us not forget that what separates us from totalitarian regimes is the rule of law and a vibrant and free opposition in Parliament which can express views contrary to those of the government without fear of reprisal.

Senator Robichaud from New Brunswick brings to the position of Deputy Leader of the Government a long and distinguished career in both the House of Commons and the Senate.

What I can say about the leadership of the PC Party in this place, both the Leader of the Opposition and the Deputy Leader of the Opposition, is that I believe that, by themselves, they can hold any government to account.

I also wish to congratulate the senators who moved and seconded the Address in Reply to the Speech from the Throne.

The Speech from the Throne, honourable senators, is designed or written to paint with a broad brush the intentions of the government for the upcoming session of Parliament. It is a chance for the government, and especially the Prime Minister, to dream aloud, to demonstrate a vision for the country for the coming work of this Parliament. Personally, I believe it was the time for this government to spell out, as they never did during the election campaign, why they needed a new mandate from the people of Canada and to tell us all what they would do with this new mandate.

To a degree I am disappointed that the speech that was delivered on January 30 fell so far short of the hopes that I had for it. I will spend some of the time I have today dealing with two aspects of the speech. I will comment on the fact that the speech completely ignored the problems of Western alienation, as it dealt neither with agriculture and the resource industries, nor with meaningful parliamentary reform, all of which are very critical in the eyes of Western Canadians. The second topic I wish to address is the plan set out in the speech for Aboriginal Canadians. As with most plans coming from the government, it attempts to address the problems faced by Aboriginal people rather than deal directly with the matters that cause these problems. If we rectify the root causes, we will eventually eradicate the problems listed in the Speech from the Throne.

• (1520)

I find it remarkable that a government with only 14 of 88 seats in one region of the country would not address, at least in a passing way, the issues that keep this government so reviled in Western Canada. There was not a word in the Speech from the Throne about Canada's natural resource industries, which form the backbone of the economy of Western Canada. There was only one sentence on agriculture — a passing reference to the plight of western farmers — as if the government were addressing the conditions of poverty of a certain class of people in a far-off land. Senator Gustafson, who knows more about agriculture than, I believe, any other senator, save Senator Parrow, possibly, would agree with me.

The government has done nothing to address the farm crisis issues in Canada. The issues have been virtually ignored, and the protests that we experience now are clear indications of the desperation that our farmers face. These issues are clear, and the government must address them, or soon we will not have a viable agricultural community, certainly in Western Canada.

Is the day of the family farm in Canada gone forever? Is the government willing to write off the thousands of Canadians who worked all of their lives on farms inherited from their parents or grandparents? If that is what the government wants to do, then they should have the courage to say so. If not, then Canada must be willing to compete with the United States and European countries by subsidizing prices so that farmers in Canada can compete in the global marketplace.

What mention did the farming sector of Canada's economy receive in the Speech from the Throne? They received only one sentence. Once again, this government insulted Canada's agricultural community.

The other issue that would help to address western alienation is the meaningful reform of Parliament so that Western Canadians would feel that Parliament — the Senate and the House of Commons — was relevant in their day-to-day lives.

On the last page of the speech, there are two paragraphs in respect of reform. I suppose that those who wish to reform Parliament to ensure relevance for Canadians should be happy

that it is mentioned. However, I am not happy about it, and I do not believe that Western Canadians are happy about it, in its existing form.

The Throne Speech did not address the dissatisfaction expressed by opposition parties in both Houses about not being able to make a meaningful contribution to debate or make amendments to legislation to improve the system for all Canadians. Instead, the major reform that was suggested is the imposition of electronic voting. Thus, rather than deal with the dissatisfaction that led to the all-night voting on hundreds of amendments, the government proposes to solve the problem by introducing a quicker method of voting.

Eventually the government will be required to deal with parliamentary reform. As I indicated on October 17, 2000 at the beginning of my inquiry on parliamentary reform, this issue must be addressed on three fronts — the House of Commons, the Senate, and our electoral system in general. Specifically, we must address the distribution of seats in both Houses, which is so heavily weighted in favour of Central and Eastern Canada.

Honourable senators, all Canadians, not just Western Canadians, will demand real change in the way that we do business, if there are many more examples like the one that we witnessed a few weeks ago. In that instance, the leadership of the Liberal Party ordered Liberal MPs to vote against the motion proposed by the Canadian Alliance Party that an ethics councillor be appointed by and responsible to Parliament, rather than be appointed by the Prime Minister. Liberal members were ordered by their Whip to vote against the motion, which used words identical to the words found in Red Book I, because the Prime Minister had determined that this issue had become a matter of confidence.

Canadians and parliamentarians are the poorer for this display by the Prime Minister. It was a display of arrogance beyond anything that I have ever seen before. It would even make the late Pierre Elliott Trudeau blush, and he was viewed at times by Western Canadians as quite arrogant when he was the Prime Minister.

I know the members of the backbench of the Liberal Party are not proud of the way that they voted. Eventually they will summon up the courage to challenge the leadership, and reform will happen — reform that cannot be controlled by the Whip or by the Liberal leadership. I will have more to say about parliamentary reform in the days to come.

I will now address the issue that confronts the Aboriginal peoples of Canada. I have spoken to this matter before in the Senate, especially in respect of the Nisga'a Agreement, but in other forums as well. In the Nisga'a discussions, I called for accountability, and I am so proud of Chief Matthew Coon Come, who stated, on behalf of his people, that accountability is a prime requisite. This, basically, was what the Nisga'a Agreement lacked — accountability. This was what we tried to bring forward.

I believe that the government should be congratulated for including in the Speech from the Throne so many references to Canada's Aboriginal people. The speech, if nothing else, provides a litany of problems facing the Aboriginal people of Canada. Fetal alcohol syndrome, problems in early childhood development, the large proportion of Aboriginal peoples in the criminal justice system, the lack of basic needs such as health care and housing and the lack of modern trucks on reserves are all part of the government's laundry list for righting the wrongs done to our Aboriginal peoples.

However, as I said earlier, the government is only interested in dealing with the problems after the problems have developed. The government has no plan nor, I believe, the vision to address head-on the causes of these problems so that our Aboriginal peoples could have the hope that they so desperately seek, hope that would allow them to succeed and prosper in the new century and the era of globalization.

The problems listed by the government become things of the past, distant memory. How can we take our Aboriginal people on the journey to a place called "hope" if we do not provide the vehicle? There are two issues that I believe must be squarely addressed: land and education. My belief is that all Aboriginal people must have a non-taxed land base as their own, and every native group must have that land base. The history of Canada's Aboriginal people is solidly linked to the land. There is a cultural healing and spiritual connection with the land.

I have recently met with Aboriginal people from across Canada who have suffered abuse and they require this healing process that can only begin from a secure place. Land base is critical to the healing process practised by the Aboriginal elders. A spiritual connection to the land allows Aboriginal elders to provide the necessary leadership.

As we enter a new century, more than ever before, land and its resources lead to the prosperity that has escaped our native communities since the arrival of the European. In many cases, the government's procrastination stands between our Aboriginal people and the economic land base.

I do not suggest that land claims should be rushed recklessly through to settlement, but they must be expedited in such a way that is not prejudicial to the Aboriginal people. I suggest that Aboriginal groups and communities, where applicable, be given control over the land where the title is not in dispute. This action would allow the use of land in a significant way by the general Aboriginal community, while the comprehensive land claims are settled. In other words, people can get on with their lives without being stalled in lengthy negotiations, virtually held in a holding pattern.

Governments must become more flexible and develop more imaginative responses to the land claims dilemma. Immediately signing over the control of resources on uncontested lands would bring some Aboriginal communities to a level of self-sufficiency

that would put them far ahead of the land claim settlement process.

It is time that the government develops policies that allow natives to control their own destiny. The government must leave behind the habit of saying, "No." I believe that our Aboriginal young people must pick up on the habit of saying, "Yes, we can do it, become self-sufficient and generate prosperity. Just give us the tools."

Honourable senators, if we look to the future, we must provide opportunity for young people. We must ensure that they obtain the best education possible.

• (1530)

Young people need to stay in school and learn new technologies, and Aboriginal youth need to learn together. In the modern technological world, they can even do that from their homes. Today's technological tools allow Aboriginal youth to be part of today's educational process. The process of education is crucial, for without the proper training and mental development it is virtually impossible to succeed in today's world. In today's marketplaces — the global community — the management of resources and business becomes more complex.

The focus of education for our native youth must tie in to resource development and management. I believe diploma and university degree courses in marine, forestry, mining, wildlife management and the fishery need to be established. These degrees are directly applicable to the land and are something that Aboriginal youth can be comfortable with.

If we want to sell into certain foreign markets, we need to be conscious of foreign forces. Ecological groups are forcing us all to reassess our stewardship of the land and its resources if we wish to optimize our production and economic success. In order to optimize, we must tie our technical education skills to the land and make them relevant in today's economy. Young native people can relate to that. They can understand the relationship between education and the land.

One of the big challenges facing Aboriginal youth is that they see no reason to become educated. In many cases, they see no light at the end of the tunnel. Courses and degrees that relate to their land will encourage many, because such courses will allow them to stay on their land.

There is a huge gap in standard of living between non-Aboriginals and Aboriginals in Canada. The solution to shrinking this gap is through education, technological training, strong social safety systems, and vigorous rules to prevent the strong from dominating the weak. I believe that we can achieve these goals, but in my opinion they can only be achieved through the dismantling of DIAND and the imposition of an independent arbiter or facilitator to work in conjunction with all government departments and Aboriginal people.

The Hon. the Speaker: Honourable senators, I regret to advise that Honourable Senator St. Germain's time has expired.

Senator St. Germain: May I have leave to continue?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator St. Germain: We must dismantle DIAND and impose an independent arbiter or facilitator to work in conjunction with all government departments in order to accomplish these goals.

I will have more to say about this in weeks to come, as I hope to place on the Order Paper of the Senate an inquiry into the future of Canada's Aboriginal peoples. For the present, we should be working to address the causes of poverty, alcoholism, and the lack of hope among our Aboriginal peoples. It is only through the elimination of these causes, through education and the development of a healthy living environment, that we can all move forward together in life's journey with our Aboriginal peoples.

I thank you very much, honourable senators, for granting me an extension of time.

Hon. David Tkachuk: Honourable senators, I wish to speak to the recent Speech from the Throne, which continues to provide the Canadian people a picture of a government that believes that tax cuts are rewards for good behaviour by the Canadian people — in other words, we were not rioting in the streets — rather than economic policy.

The Speech from the Throne failed to signal any intention on the part of the government to provide faster and deeper tax relief. The basic reason for this, honourable senators, is that the Liberals do not believe that tax cuts create jobs, stimulate economic activity, and actually increase tax revenue. They continue to believe in the economic policies of people like Galbraith, and Fabian socialists, rather than those of Milton Friedman and just about every legitimate economist in North America.

That is why cuts have been so temperate and why monies continue to pour into the failed programs of HRDC, where bureaucrats decide where money should be spent rather than business, consumers and entrepreneurs deciding.

While the Throne Speech does deal briefly with the cuts that have been made, there are a few things we should bear in mind. First, part of what the government calls tax cuts is simply a reindexing of the tax system. Second, the government is pretending to have cut unemployment insurance premiums by \$15 billion over a five-year period, when in fact Bill C-2, which is now before the other place, will allow the government to keep EI premiums artificially high. Canada's chief actuary says that a premium of \$1.75 is all the government needs to keep the EI program in the black over the long run; yet government is charging \$2.25 this year.

The government is not saving taxpayers \$15 billion over five years. In fact, it is overcharging them to the tune of \$7 billion per year. This is an obscene tax on jobs.

Paul Martin, in his first budget, declared that payroll taxes are a barrier to jobs. In the *Ottawa Citizen*, he said that high payroll taxes are a cancer on the economy. This is another example of Liberal economic policy being driven by the excesses of the likes of Sheila Copps and other economic leftists in the Liberal Party rather than by the good sense of Paul Martin.

EI premiums are being used to provide federal social assistance to part-time occupations rather than to provide real insurance for those who lose their jobs due to misfortune or a downturn in the economy. This particular payroll tax is set high so that the government can extract the surplus to spend on its favourite social programs.

The government is understating its ability to cut taxes. There was a \$17 billion surplus in the first nine months of this year, about \$6 billion more than the government expected for the entire year. While the government has made some progress on tax brackets, those of us on this side of the chamber do not believe that the government has done enough to cut taxes.

For example, the government thinks it is enough simply to raise the basic personal exemption to \$8,000 by 2004. All that does is keep up with inflation. The Liberals defend this policy by saying they are being responsible.

A single employable person in Ontario will get \$6,822 in welfare benefits. A single employable person in Saskatchewan will get about \$5,800. A single parent with one child will get \$13,704 in welfare benefits in Ontario and \$11,877 in Saskatchewan.

We say that the minimum a person can live on is \$7,000. However, if you work and earn minimum wage, the government starts taxing you after you earn \$7,000. That is not the way to run social policy. There is no justice in that. Those who do not work receive the benefit of \$7,000 while those who do work are taxed on anything they make above that amount. The government does that so the Liberals can talk about how they must help the poor, while amassing billions of dollars in surpluses. This is appalling behaviour and bad social policy.

Last fall, my party called for the government to stop taxing Canadians with incomes under \$12,000, beginning with an immediate increase in the basic personal exemption to \$8,000 — not in 2004, but this year. We would like to see the personal exemption rise to \$12,000 no later than 2005. That would provide an across-the-board tax cut to all Canadians, allowing each and every one of us to keep more of what we earn. We called for the spousal exemption to rise to \$12,000, combined with a \$12,000 basic exemption. That would mean that a single-income family, including single mothers and single fathers, would not pay taxes on the first \$24,000 of income.

We also called for the complete elimination of the capital gains tax. The Progressive Conservative Party has taken a strong stand against taxing capital gains. We believe that the inclusion rate for individuals should be zero. We need to encourage risk taking. We need to unlock and speed the flow of private equity financing into venture capital if we are to build a nation that is competitive in the 21st century.

In 1997, Alan Greenspan said that if capital gains taxes were eliminated, we would, over time, see increased economic growth that would raise revenues for personal and corporate taxes. Its major impact is to provide entrepreneurial activity and capital formation.

• (1540)

I want to comment as well on the progressive tax system we have in this country. Its ideological framework allows the government to take money. The best word I can use for the process is "theft." That is not the right word for it, but that is what is happening here, plain and simple. The ideological framework of the tax system implies that society has the right to take a larger percentage of one person's income than of another's income. It is highly unfair that if you make \$40,000 you pay 40 per cent tax, and if you make \$60,000 you pay 52 per cent tax. You pay 12 per cent more tax because you make \$20,000 more.

At \$60,000 per year, the taxman in this country considers you rich, and half or more of your income is confiscated annually, give or take a few percentage points depending on the province in which you live. This is your contribution to the government so it can do more for others. First, it pays itself handsomely for taking your money, often more handsomely than what you earn. Then the government pays planners by the thousands, analysts paid better than the person the government takes the money from, to devise ways to spend the money. Then it has to pay all those people to implement programs at the CBC, Telefilm or Human Resources Canada. You can bet they all make more money than the average person from whom the Government of Canada takes the money.

That is the expenditure triangle, honourable senators. It is the left-wing answer to trickle-down economics. It is called "trickle-up economics" or "trickle-around economics." The government takes the money. It pays people to collect it and pays people to plan how to spend it. Then the government pays people to implement the programs it thinks up, all with money taken from people who make less in most cases than the people who are taking it, planning how to spend it and implementing it.

If you have a little bit of money left over after the government gets through this expenditure triangle of collection, planning and implementation, and if you are prudent with the little you have left and you let it sit in a bank, any interest you earn is taxed as income. If you invest it and succeed, you pay again. If you say, "Well, to heck with that" and spend your money, the government gets you anyway by charging sales taxes of 14 per cent and up, depending on where you live. You cannot spend your money without the taxman right at your doorstep. If you are at your wit's

end and you go to the bar and have a pint, you are taxed 50 per cent of the cost of the pint.

If you decide to leave the country, honourable senators, your money is not worth anything anyway. The government has the last laugh. It has encircled us here in this country. It has made us prisoners in our own land.

As I wrote in a letter to an Ottawa newspaper in January regarding what would happen when the stock market began to collapse, our dollar has dropped to 64 cents, and I predict that it will continue to drop. We will be further prisoners in our land. Crossing the border will cost us 150 per cent of what it would cost us to stay home. How ridiculous is that? This is the state of the economic policy that the Liberals are bragging about in the Speech from the Throne.

If you are young, you face the prospect of having your money stripped by 10 per cent for the rest of your life, starting in 2005. That is 10 per cent, up to \$45,000, for the rest of your life. A whopping 2 per cent return is what the government predicts you will get.

If you are working, you also pay Employment Insurance premiums, yet you will be darned lucky to collect it if you are unemployed or if you have a disability. The government takes much more than it needs, creating huge surpluses in the EI plan so it has lots of money to pay others.

I am tired — and I think the Canadian people are, too — of the government being social engineers, using taxes to reward and to motivate, like Pavlov's dog, business and people.

Honourable senators, I remember the days of the Trudeau government. At the age of 56, I find that one good thing about getting older is that you remember a lot of history. At that time if you were a working man you bought yourself an old house fixed it up and rented it out. That is what people did. There were many places to rent at that time. When I went to university in the 1960s, most rental accommodations were old houses. They were being fixed up, not by rich landlords, but by ordinary working people. They did that because the depreciation of that house over time could not only be written off against the earnings of the home but also against the income earned from another place.

What did the Liberal government do? It called that a tax loophole. Depreciation is a real cost, but the government did not think of it that way. The government regarded it as a tax loophole and got rid of it. All of a sudden there were no places to rent. Therefore, the government set up MURBs so that doctors, lawyers and rich people could build 20-, 30- and 40-store buildings — ghettos — that could be totally written off against income.

Can you imagine, honourable senators? The working man buys a house to fix up but cannot write off a loss because that is regarded as a tax loophole. On the other hand, MURBs could be written off against income, and most of those who benefited were rich. The government wanted to influence social behaviour. They are still doing it today.

The government did get rid of the MURBs — thank God for that — because it realized the program was not working.

Instead of essentially giving money back to the people by not collecting it, the government collects it and then wants to give it back, making one wonder why it took the money in the first place. If the government sends the money back to you, why was it taken from you in the first place?

To use the example of high energy costs, instead of decreasing excise taxes or perhaps gas taxes, the government thought it could write cheques. Today's government still thinks it is back to the 1960s or 1970s when people used to vote for people who wrote out cheques. It sent cheques to dead people and people who did not need money. The whole bureaucracy is involved in paying back money that it is already taking from the people, and paying a whole bunch of people in between.

Honourable senators, much more needs to be done to bring down taxes. The Speech from the Throne could have and should have signaled that deeper tax cuts are on the way. It should have signaled that the government will stop taxing the poor. It should have signaled that the government is prepared to take meaningful action to help Canadians cope with what is happening economically today.

Hon. Joan Cook: Honourable senators, I am pleased to have the privilege to reply to the Speech from the Throne delivered by Her Excellency the Governor General. I congratulate the mover and seconder, Senators Cordy and Setlakwe.

It is my privilege to acknowledge other honourable senators and their valued appointments. I am sure with his many years of experience that our Speaker, Senator Dan Hays, will serve this house in the best interest of all members.

• (1550)

I am also pleased to acknowledge the appointments of the Leader and Deputy Leader of the Government in the Senate, Senator Carstairs and Senator Robichaud. Senator Carstairs is both a friend and a mentor. I am confident of her capable leadership. Senator Robichaud has been my colleague on the Fisheries Committee for the past three years. I wish him well as he undertakes the challenges of his new appointment.

Honourable senators, I begin my remarks by referring to a statement I made in this house on June 29, 2000, acknowledging Canada's rank as number one out of the best 174 countries in which to live, as listed by the United Nations Human Development Index. The priorities presented by Her Excellency the Governor General of Canada will ensure that we maintain the standard.

Honourable senators, the Speech from the Throne speaks to a sense of values, of vision and of opportunity. These values identify Canadians as a diverse people, as citizens of a great country, and that we have responsibilities to each other.

Canadians recognize that partnerships build great opportunities, and I wish to address some of those partnerships laid out in the Speech from the Throne, primarily with regard to health and the fishery.

On the subject of health and quality of care, the Government of Canada is committed to uphold the Canada Health Act and to work with the provinces and territories to ensure that all governments continue to fulfil their commitment to the principles of medicare. At present, the Canada Health Act deals only with illness care. I believe that the act should include disease prevention and health promotion. This would facilitate public education on the importance of the determinants of health.

While Canada is heralded as having one of the most generous and accessible health care systems in the world, there are still many areas that need to be revisited, such as the rising cost of hospital care for the sick and the expansion of health care delivery in the community.

Pioneered by the Honourable Dr. Max House, Newfoundland's present Lieutenant-Governor, the Memorial University of Newfoundland has been on the cutting edge of technology and continuously involved in telemedicine activities since 1975. As a provincial communication resource, this network is a model in Canada and around the world as a result of the degree of cooperation exemplified by the many institutions and agencies, including the federal department of communications, that made it a reality.

Since its beginning, the university has participated in more than 30 projects related to distance health education and remote consultation, many of which have become ongoing services. The day-to-day operating expenses of telemedicine are entirely recovered from user fees.

The delivery of community health care services is particularly important in my region of Newfoundland and Labrador, with many of the outlying areas being inaccessible to immediate medical facilities. The establishment of peripheral clinics would be a great improvement over the current system. The physician and community health clinics at the hub could be supported by facilities in the larger centres and would in turn support their own peripheral clinics. These clinics should be located right in the communities and have as their mandate the provision of whatever services are most needed by the local people. These needs would differ from community to community. Some centres would need to provide far more services than others because some communities have many more needs. This is especially true of many isolated rural communities where employment and advanced education opportunities do not exist.

The primary responsibility of the clinics would be to locate and encourage the use of volunteers. Where necessary, volunteers can be taught to provide some of the basic needs of the local community, using such programs as "well-baby" and "childhood development instruction."

Honourable senators, the fishery has been the mainstay of the Newfoundland and Labrador economy for generations. From the wreckage of the 1992 cod moratorium has emerged a new, scaled-down and richer fishery. In 1999, Newfoundland's fishery output exceeded \$900 million and employed up to 30,000 people, driven largely by shellfish stocks, primarily snow crab and cold-water shrimp.

The Newfoundland fishing industry is almost completely reliant on export markets. Consumer expectations with respect to seafood safety, quality and value must be met if this industry is to maintain reasonable access to global seafood markets. The industry holds great promise and promises to be more complex and challenging.

Honourable senators, regional disparity is a reality in this vast country. Programs such as transfer payments to the provinces and equalization payments must, of necessity, be under constant scrutiny and review if we are to be fair to all Canadians. Newfoundland and Labrador, however rich in mineral, oil and gas resources, will continue to be a have-not province if such partnership programs do not support the needs of our people.

In closing, honourable senators, I firmly believe that every Canadian is called upon to make a contribution to building our country. It is important to know who we are and what brings us together; this is the very essence of being called "Canadian."

[Translation]

Senator Nolin: Honourable senators, it is my pleasure today to take part in the debate in response to the Speech from the Throne. After more than eight years of inaction in the matter of the protection and growth of francophone communities outside Quebec, the Speech from the Throne provided, in a rare moment, that the Liberal government would reaffirm its commitment to promoting Canadian linguistic duality.

And so, we have on page 21 of the French version of the Speech, and I quote:

Le gouvernement renouvellera son engagement à l'égard des communautés minoritaires de langue officielle viables...

The English version of the same Speech provides, at page 18, and I quote:

[English]

The Government reaffirms its commitment to support sustainable official language minorities.

[Translation]

You will agree, honourable senators, that the use of the word sustainable is not reassuring to francophones living in minority

communities across Canada. The *Petit Robert dictionnaire de la langue française* defines "viable" as, and I quote:

Qui présente des conditions nécessaires pour durer...

Although the Speech from the Throne includes a commitment by the federal government to support the growth of francophones outside Quebec, the presence of the term "sustainable" intimates that there are minority communities that are not. The use of such terminology is distressing, because it applies not only to the services provided by federal government offices in a number of regions of the country but to the programs that support official languages. As you know, I am not alone in my distress at the use of this term. Senators Kinsella, Corbin, Gauthier and Comeau have also asked for clarification from the government in this matter.

On January 31, during question period, the Leader of the Government in the Senate, the Honourable Senator Carstairs, endeavoured to get clarification from the Department of Canadian Heritage regarding the use of the word "sustainable."

On March 1, we received an answer. Instead of defining what constitutes a sustainable official language community, the department merely reiterated the commitment made by the government in the Speech from the Throne. This is not the answer we were looking for. One and a half months after that speech we still do not know why the Liberals felt the need to use the word "sustainable." Why does the Liberal government refuse to clarify its position on this issue? Should we refer to section 23 of the Constitution Act, 1982, to the Official Languages Act, to a new interpretation of these two texts, or to a new and more restrictive federal policy governing the promotion of Canada's linguistic duality to better understand the government's intention?

• (1600)

Section 23 of the Constitution Act, 1982, better known as the "Canada clause," deals with minority language educational rights at the primary and secondary levels. The provisions of this section apply everywhere in a province where the number of children of citizens is sufficient to warrant the setting up of educational services in French or in English out of the province's public funds. This includes the right to have these children receive that instruction in minority language educational facilities. Should we interpret the notion of "sustainable official language minority communities" in the context of section 23? I hope not, because the consequences would be bad for several French-language minority communities. How many francophones would there have to be for their community to be deemed sustainable? I wonder.

Second, nowhere in the Official Languages Act is there reference to the notion of "sustainable official minority language communities." I would point out that this act sets out the federal government's obligations in promoting linguistic duality in Canada. Two of its obligations are: to support the development of francophone and anglophone minorities and, in general terms, within Canadian society, the move toward equality of the status and usage of French and English; and to promote the equality of French and English in terms of their use in federal institutions, including where it concerns the debates and work of Parliament, statutes and other instruments, the administration of justice, communication with the public, the delivery of services and the implementation of the objectives of these institutions.

Honourable senators, as we can see, the presence of a single word can lead to a number of interpretations of the government's intention in developing francophone communities outside Quebec. The Liberal government must clarify very quickly what it means by "sustainable official language communities." If this means a new restrictive policy on group support, the Liberals have to stop playing ostrich. They must face public opinion and the hundreds of thousands of francophones who struggle daily to survive and develop. Let them tell us the criteria that define sustainable official language minority communities and how the programs aimed at them will be affected.

Honourable senators, some of you will say I am too pessimistic about the Liberals' commitment in this matter. However, judging by their performance in promoting the development of francophone communities outside Quebec, there is no cause for rejoicing. Here is why.

The federal programs supporting official languages in education and in the case of the minority communities are intended to ensure the development of the francophone and anglophone minorities throughout the country, as intended by the Official Languages Act.

Yet, since 1993, the Liberal government has substantially cut funding for these programs. Funding was reduced from \$309.5 million in 1992-93 to \$215 million in 1998-99. As a result of pressure from various associations for the protection of minority francophone rights, the 1999-2000 federal budget earmarked an additional \$70 million annually for official languages support programs for a period of five years. Nonetheless, according to the *Fédération des communautés francophones et acadienne*, it would still take almost another \$15 million annually to restore funding to its 1992-93 level.

Unfortunately, honourable senators, official languages support programs are not the only ones to suffer. The government is also lax when it comes to services provided to francophones by a number of federal departments.

Since 1993, the Jean Chrétien government has repeatedly been criticized by the Commissioner of Official Languages of Canada. The task force on the effects of government changes on official languages, and a number of associations for the defence of

minority francophone rights for the fact that the public service of Canada is not sufficiently concerned about the needs of minority francophones. Two years ago, the government promised to do something about the situation.

However, according to the 1999-2000 annual report of the Commissioner of Official Languages, Dyane Adam, and I quote:

The picture therefore is clear: there is insufficient commitment and a flagrant lack of leadership by the federal government with respect to the full implementation of the Act. If the deficiencies and inertia observed are so widespread and persistent, it is because the government, at its highest level, does not provide the leadership it should to affirm linguistic duality. Yet this is a critical element for the success of Canadian federalism.

The situation has so deteriorated since the mid-90s that the report mentions that in 1999-2000 the Official Languages Commissioner had to investigate some 1,800 complaints under the legislation! This is a record number. In this sense, the report clearly identifies the considerable number of deficiencies that persist in federal offices designated to provide services in both official languages.

Honourable senators, there is certainly nothing to rejoice about here. The very purpose of the adoption of the Official Languages Act by the Liberal government of Pierre Elliott Trudeau in 1969 and its inclusion in the Constitution Act, 1982, was to prevent a deterioration in the services provided to official language minorities.

This is probably due to the fact that the current Prime Minister of Canada is less concerned about the fate of francophones outside Quebec than his predecessor, the Right Honourable Pierre Elliott Trudeau. Let me explain. In August 1999, on the eve of the Sommet de la Francophonie, in Moncton, Jean Chrétien — in an interview with the daily *Le Devoir* — was more pragmatic regarding the assimilation process that threatens francophone minorities. He did not hesitate to describe this phenomenon as "unavoidable." To explain this reasoning, which says a lot about his government's attitude toward francophone communities since 1993, the Prime Minister said:

There is the issue of the (language) use, mixed marriages, manpower mobility and isolation. There are people who give up French and there are people who learn it. There are losses and gains. To be sure, we would prefer that there be no assimilation, but there always has been.

Honourable senators, following this sad statement and the poor picture that I just painted, I am proud to say that the Progressive Conservative Party of Canada has always supported the development of francophone and anglophone minorities. Because it wanted to slow down if not stop the assimilation of francophones outside Quebec, between 1984 and 1993, our government worked to promote equal status and use of French and English within Canadian society.

In 1987, the Progressive Conservative government launched the community radio station program for official language minority communities. Moreover, in 1988, our government passed the Official Languages Act that replaced the 1969 act. The new act recognized Canada's linguistic duality. It also included provisions on the right of Canadians to use the official language of their choice in their dealings with federal institutions. Finally, this legislation gave a more sustained role to the Commissioner of Official Languages and a more effective legal recourse.

Again the same year our government announced the permanent renewal of our official languages support programs, with a view to fostering the development of minority francophone and anglophone communities. We injected an additional \$195 million over five years into the funding of the official languages teaching program and the official languages promotion program.

• (1610)

Honourable senators, our actions on behalf of the francophone communities outside Quebec are explained by the fact that, according to 1996 census data, French is the first language spoken by 7 million Canadians. Of that number, 925,000 francophones live outside Quebec, distributed across Canada. For decades, francophones outside Quebec have waged a number of brave battles on the provincial, federal and judicial levels in order to ensure the delivery of education, health and telecommunications services in their language. The presence of such services in the French language is essential to ensure the optimum development of francophone communities outside Quebec. The Progressive Conservative Party has always supported this principle.

Francophones outside Quebec, who are far from being the amorphous group some believe them to be, have made considerable gains over the past 30 years to ensure that their rights are respected. However, the continuing existence of a number of their communities is threatened by a low birth rate, the exodus of their young people to major urban centres, and a high assimilation rate with English, not to mention the assimilation of the vast minority of new Canadians into the anglophone community.

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable Senator Nolin, your speaking time has expired.

Senator Nolin: I would ask leave to continue.

The Hon. the Acting Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Nolin: Honourable senators, it is clear that, in this connection, the federal government has not only an administrative responsibility as far as the delivery of services in both official languages and the full development of linguistic

minorities are concerned, but also a constitutional obligation that dates back to 1982. Francophones need concrete actions more than fine words to ensure their full development. There are many expectations.

In closing, honourable senators, I must remind you that the strength and unity of our country is tied to the vitality of its cultural communities. Canada is made up of two linguistic communities — the francophone and the anglophone — the First Nations and the people from many lands who all together form a whole, a partnership that is unique in the world.

Faced with the challenges posed by the globalization of markets, the hegemony of the American culture and the strengthening of national unity in Canada, the federal government, more than ever, must be a leader in the development of francophone minorities. Our country's history is profoundly tied to the presence of a francophone population not only in Quebec, but throughout Canada. The harmonious development of the French and English languages is fundamental to our identity. These two languages also underlie the constitutional, political and cultural bases of our country. The Fathers of Confederation recognized them in 1867, and they were enshrined in the Constitution in 1982. They testify to the existence of a linguistic duality that Canadians should hold dear.

I certainly hope that the Liberal government will not forget these principles in the coming months. The use of the term "sustainable" flies in the face of everything that was done by the Liberal government of Pierre Elliott Trudeau, the Progressive Conservative government of Brian Mulroney and the many associations defending and promoting the rights of francophones outside Quebec for the past thirty years. To remedy this error which I would describe as monumental, I will propose two amendments to the Speech from the Throne, in due course.

Hon. Eymard G. Corbin: Honourable senators, I should like to congratulate Senator Nolin on his speech, because I believe his remarks are very pertinent. During Question Period on Tuesday, I had indicated that I would speak to the debate on the Address to Her Excellency the Governor General in Reply to the Speech from the Throne, in order to speak of palliative care. Since then, events have prevented me from doing so. I believe, however, that my remarks are still relevant.

I was, more than in any other matter, deeply involved in the matter of euthanasia, assisted suicide and palliative care. Such existential questions. Along with other honourable senators, who do not necessarily share my viewpoint, we gave these issues their full due.

Two special committees reported to the Senate calling on governments and professional health care institutions to fill the often pressing and inhuman deficiencies of care appropriate to the dying. Dying is part of living. We who invested months in these challenges were disappointed that our message, although applauded by experts in the field, is not being heard by the government.

I also noted that the Speech from the Throne includes a proposal to help parents and guardians of terminally ill children. This is a step in the right direction, but we should go much further and faster. We must, however, avoid giving into sentimentality. The adults and the elderly who built this country are also entitled to the same treatment. Our latest study confirmed this point.

Our two reports urge governments and institutions to consider measures that are innovative and even revolutionary, in the sense that we must change our way of doing things, of considering and of helping those who are dying. Often, a simple reallocation of available resources, including money, facilities, personnel, without forgetting those generous and available volunteers, would go a long way toward correcting many problems. This is possible, because it is already being done, but it must become more widespread.

I have a duty to congratulate those who, for decades, have been working so hard to improve the system. Their voices are now being heard. They are no longer alone. We are finally beginning to realize that, given the enormous task ahead, the federal and provincial governments, professionals, caregivers, institutions and volunteers must work together to launch national initiatives. Canada is a rich country and it can easily afford a more humanist approach in the care of terminally ill patients.

The piecemeal approach should now be a thing of the past. We urgently need political leadership at the national level.

Honourable senators, I apologize for being somewhat pessimistic at times. However, I am quick to recognize that things are now moving a little faster. This is not because of government policies. Allow me to mention a concern of mine. Medicine distanced itself from sorcery a long time ago. Yet, back in 1993, Roland Gaspar was already concerned about the:

...incredible popularity of the so-called alternative medicines (whose consequences can sometimes be brutal) and of other inventions. This desertion of the "faculty" (of medicine) and the real hostility of so many sick people toward modern fields of medicine must have various causes, but the main reason for this massive exodus toward the promised land of non-scientific care is our inextinguishable passion for rites and processes that are shrouded in mystery, that are full of symbolism, that appeal to our emotions and to our natural tendency to fluctuate between hope and fear and to cling to the most extravagant promises when we are sick.

• (1620)

Have they lost faith in medicine?

If there really is an alternative medicine, it finds its greatest meaning in end of life care. I salute the pioneers who have understood this. This type of palliative care is called *caritas*, or humanism, not euthanasia.

The key to an understanding of what palliative care should ideally be can be found in these words of Roland Gaspar, whom I will again refer to.

We must not identify with the despair of the person who is ill, but with the life still in him, with his profound desire, even if he is mutilated, deformed, overcome by distress — to get well, to live.

A good system of palliative care, a continuous chain of specialized facilities, both in urban and in rural settings and in remote regions, is entirely feasible in Canada. Important links are already in place. However, so much remains to be done that the most pessimistic among us could lose heart at the enormity of the task. We have still not reached a critical mass. We have world leaders in the field of palliative care in Canada. How is it that we are not listening to them? Sad though it is to have to say it, they are being crushed by all manner of bureaucracy.

Sometimes, it is as though the blasted bureaucracy will always find a way to bring things to a halt.

However, bureaucracy is often us, politicians. Nonetheless, I believe that we have done our job well in the Senate. I have no hesitation in saying so. I am even proud of what we have done. If we could do more, we would not hesitate for one moment to take on new challenges, although I think that we have gone as far as possible in the circumstances.

I am not personally disposed to getting involved in a third special committee in order to undertake the umpteenth re-examination of what was already stated right back in our first report. I am available, though, to assess progress.

Governments have a duty to move resolutely on to action now. Thanks to what it heard at the hearings, the Senate has mapped out the route with the support of top-level expertise. We have done our part responsibly and now it is up to others to act.

Yesterday we learned the good news that the Honourable Sharon Carstairs has been designated by the Prime Minister to be responsible for the palliative care issue in the Department of Health, under the auspices of Minister Rock. I will take this opportunity to again offer her my warmest congratulations, of course.

This is the most excellent and encouraging piece of news I have heard since our first report was tabled. At last, the government is getting involved in a pragmatic and proactive way. Bravo for them! Senator Carstairs has my moral support. It will, however, not be any surprise to her, I am sure, that I have no intention of letting go of this issue myself.

Honourable senators, I should like to state my personal position on euthanasia, which is something for which I have always felt great repulsion.

To deliberately cause the death of a human being is an act of violence, an aggression, and I am opposed to violence. Perhaps because the killing of another — my sister, my brother — would strip away from me the inestimable right and privilege of continuing to consider myself a human being. It diminishes me in my humanity. I am for life. When my time comes, I want someone to be with me to the end.

In closing, I wish to express my greatest admiration to the Canadian medical sector and to the legions of people who are there to support life.

On motion of Senator Kinsella, for Senator Cohen, debate adjourned.

[English]

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Michael Kirby moved the second reading of Bill S-19, to amend the Canada Transportation Act.

He said: Honourable senators, I rise today to begin second reading debate on a private members bill that will not only inject some facts into the debate about how well Canadians are being served by the airline industry in this country but also help to promote healthy competition in the marketplace.

I am particularly pleased that Senator Callbeck has agreed to second this bill. As I think all of us know, she brings a wealth of experience to transportation policy issues, having served for many years on the Standing Senate Committee on Transport and Communication, and she also represents a province whose lifeblood depends on good transportation service.

At the outset, I should say that introducing a private member's bill is not something that I have ever felt the need to do at any other time in the almost 17 years I have been in this chamber. This is a first for me. However, during the last session, I sat on the Standing Senate Committee on Transport and Communications while it examined the state of the airline industry in this country. As a result of that experience and my considerable experience subsequently as a frequent flyer on Air Canada, I am concerned about the state of competition in the airline industry.

One carrier now controls over 80 per cent of the domestic market. In this situation, government needs to encourage not only the emergence of new carriers but also true competition between existing carriers. One critical element of effective competition in any marketplace for any service is an informed consumer. Helping to create informed consumers is the objective of this bill.

I am sure that since the merger between Air Canada and Canadian Airlines all of you have either experienced

unacceptable service difficulties or have been inundated with details of such experiences from family, friends and constituents. The public perception is that cancelled flights, overbookings and lost baggage are on the rise and that the consideration being given to passengers seems to be falling in direct proportion to this increase. Indeed, it sometimes seems to be an accomplishment just to find someone to complain to, and even then it often seems that your concerns are not being dealt with in a courteous and efficient manner. Unfortunately, however, based on this kind of anecdotal evidence, we cannot be sure whether there has been an increase or a decrease in poor service. Neither do we have any factual evidence on whether some airlines are actually doing better or worse than others.

• (1630)

Bill C-26, which was passed by this chamber in June of last year, created a Consumer Complaints Commission to mediate complaints that cannot be resolved between consumers and the airline. The Complaints Commissioner will compile a report semi-annually to the Governor in Council setting out the number and nature of complaints that are filed with him. This semi-annual report by the Consumer Complaints Commission will not provide information on the actual number of complaints, as many complaints will be resolved long before they get to the commissioner.

Indeed, a smart CEO of a truly successful airline would make a point of ensuring that as few complaints as possible make it up to the level of the commissioner. Simply because there are no complaints to the commissioner does not mean therefore that service is excellent. Consequently, the Complaints Commissioner created by Bill C-26, while a definite step in the right direction, does not, in and of itself, give Canadians a snapshot of how airlines are actually performing with respect to customer service.

Clearly, Canadians are entitled to a factual report — and I stress the word “factual” — on the number of times that customer services are not delivered in an appropriate manner. Canadians are entitled to know how many bags are lost, how many flights are cancelled and how many flights are overbooked. Canadians are also entitled to be able to track that information and the ongoing performance of each airline operating in Canada, on each of these elements of customer service.

Consumer information is a powerful tool. Indeed, the principle of consumer information on demand is one of the underlying elements of the entire economic theory of competition and free markets. It allows consumers to make informed choices and form reasonable expectations about what level of service the market can provide. The most powerful decision maker is not the CEO, it is the consumer — even in a market dominated by one carrier. Consumer information also encourages businesses to perform better. Thus, having more information benefits more than the individual consumer. It benefits shareholders, employees, the corporation and the market at large.

Bill S-19 proposes to give Canadian consumers more information. This bill would require both domestic and foreign carriers to report the number of flight oversales, the number of claims of lost baggage, and the number of flight delays on a monthly basis to the Minister of Transport. The minister would then compile that information for Canadian consumers and release a monthly report — that is, make the data public; consumers would then have a better picture of the level of service they could expect to receive from the various airlines and thus could make more intelligent and informed choices about which airline to use. In addition, the bill would provide the minister with the power to require the reporting of other operational information on service standards of the minister's choosing, so long as making that information available to the public was in the public interest.

Let me stress, honourable senators, that reporting these statistics is not an onerous task; equally important, neither is it unprecedented. The United States currently requires, and has for many years, that every air carrier operating in the States report exactly the information that I have asked to be reported on a monthly basis. That information is then made public because it is posted on the U.S. Department of Transportation's Web site, where it can be easily accessed by consumers.

Since the U.S. provisions apply to foreign carriers operating in the United States as well as to domestic carriers, many of Canada's carriers, including the dominant Canadian carrier, already report these statistics with respect to U.S. flights and, therefore, already must have in place the systems required to compile this information on a monthly basis. As a result, reporting these statistics in Canada cannot be described as an undue burden. Considering the benefits that could come from the knowledge of how competitors are doing, and considering also the power of consumer choice, any cost to the airlines is infinitely outweighed by the benefits.

Clearly, honourable senators, there is no significant extra cost, simply because the system for doing this is already in place for every Canadian carrier now serving in the United States. They're already doing it.

I understand that some industry representatives will make the following point before the committee, so I may as well rebut it here today. Industry representatives will make the observation that it is unfair to compare service records from the dominant carrier, Air Canada, with those of the much smaller carriers that are trying to spring up — although, as one watches the actions of the Competition Bureau, one wonders how long that will be able to survive.

Honourable senators, I wish to say parenthetically that I am delighted with the performance thus far of the Competition Bureau in dealing with many of the attempts by the dominant carrier to be even more dominant.

This information has certain benefits. For instance, if one wants to make comparisons, all the smaller airlines — for

example CanJet, WestJet, Royal, Canada 3000, and so on — are in a comparable set.

I have chosen these three characteristics to be reported on because it is absolutely legitimate to compare Air Canada with the large carriers in the United States because they are large systems, they serve many centres and the data in the United States is already available. The argument that you cannot compare small and big in Canada is destroyed by the fact that it is legitimate to compare the small ones among themselves and it makes it legitimate to compare the big Canadian carrier with big carriers operating also in the North American context. Consequently, the principal argument that a number of the airlines' spokespeople appear to have against this bill seems to be shot down by that argument.

In summary, honourable senators, this bill helps to promote competition in two ways. First, it will give Canadians the information they need to make informed choices about which carrier to choose, what level of service they can expect to receive and what level of service they are entitled to receive. Second, it will give the carriers direct feedback on how their service compares to that of their competitors. They will be able to identify where they need to improve the service and, in turn, improve their business.

This short, one-page bill has the potential to improve service, competition and the corporate health of air carriers in this country. Therefore, honourable senators, I urge you to support this bill and to send it quickly to the Standing Senate Committee on Transport and Communications for further study.

Hon. Shirley Maheu: Honourable senators, I have a question for the honourable senator. As a point of information, is the honourable senator aware of Air Canada's position? Are we worse off than the United States or are we just about as bad as the United States? The United States is not that good.

Senator Kirby: I have absolutely no idea. At the moment all we will have is anecdotal evidence. Is there a factual basis to compare the performance levels on both sides of the border at this point? The answer is that there is not. This bill is designed to get that.

Senator Maheu: A program on television this week stated that they have a real problem in the United States with lost baggage.

Senator Kirby: Yes. As someone who flies in the states reasonably regularly, I agree that they do have problems with many things. There is no question about that.

Honourable senators, let me be clear. I was not saying that the American service is terrific. I was saying that I would like to be able to compare the service of Air Canada with American service. Presently, that is simply not possible. I deliberately picked the same three service characteristics that U.S. airlines must now report on in order to make the comparison.

Hon. Pierre Claude Nolin: Honourable senators, I find that point interesting, because I recently lost my luggage. In his bill, does the report the honourable senator has referred to include all of the network data when a carrier is organizing a trip with its network? Let us talk about the main carrier we have in Canada. It is part of an international network of other carriers. Will that report include not only Air Canada's operation but also its partners' operations?

• (1640)

Senator Kirby: Honourable senators, I am happy to consider that in committee but, frankly, I thought it important to be able to compare the performance of Air Canada as dominant carrier. In some sense, Air Canada should not be penalized. If a traveller goes to Dallas by taking Air Canada to Chicago and then United on to Dallas, it would be unfair to penalize Air Canada if United makes a mistake on the second leg of the flight.

The committee may well want to consider that. It may be a separate addition to the bill. I am happy to add a lot of other information if the committee so wishes, but the dominant requirement is to compare precise definitions as used in Canada and the U.S. The bill as written would clarify comparison between Air Canada and United or American Airlines or Delta or U.S. Air because the information is defined in precisely the same way.

Senator Nolin: Honourable senators, it is good to have figures for comparison but, at the end of the day, we want consumers to be properly served by the carrier. Air Canada is the front line for the Canadian consumer who wants to go to Brussels, for example. He must fly from Montreal to Toronto, from Toronto to Frankfurt on Lufthansa, and from there to Brussels. That happens every day. In one of those legs, luggage goes missing, but who is responsible to the consumer? The carrier who is the main contractor of the ticket should be responsible, and that is Air Canada.

Senator Kirby: Honourable senators, I do not mind at all. Let me repeat. We can add on that issue. That does not bother me in the slightest. Any addition is entirely up to the committee. I do want to make absolutely sure that we can compare Canadian and U.S. data, plus any additional data that we decide to study.

To follow Senator Maheu's comment, we may simply find that service is rotten everywhere. Anecdotal evidence from many of us may suggest that. An interesting public policy question arises if several months of data reveal that Canadian consumers are not being adequately served: What do we do about it?

One answer that has been raised but not yet implemented is to increase competition in a variety of ways — cabotage and modification through a variety of strategies.

This information, it seems to me, would also help government to judge adequately whether Canadian consumers are being appropriately served. The minister has said all along, since we passed the original bill in June 2000, that if it becomes clear that

Canadian consumers are not being adequately served by the current arrangement, then he would have to do something about it.

From a public policy standpoint, though, we cannot do something about it with only anecdotal evidence as a basis; we must have facts. If we get the facts out on the table, then we can weigh in with public policy proposals. That, honourable senators, is why I believe the bill is important and that we ought to pass it quickly — so we can begin to be get the data.

Hon. Francis William Mahovlich: Honourable senators, do I understand correctly that Mr. Bruce Hood was supposed to make public all the complaints received from customers?

Senator Kirby: Mr. Hood is the Air Travel Complaints Commissioner but, you must understand, he only receives the complaints which have not been satisfactorily solved by the airlines. This is an ombudsman process which begins internally before it is taken externally.

Flights are overbooked or cancelled every day and customers do not bother to complain. The data from the complaints commissioner does not necessarily give an accurate and true picture of the levels of service being received. I do not say that the complaints commissioner is not needed. I am simply saying that we need broad-based service data which we do not have now.

Hon. Ione Christensen: Honourable senators, might I address a question to Senator Kirby?

I fully agree with the requirement for the statistics as the bill proposes. This seems to be a very complicated way of getting statistics. Can it not be done through regulation and existing legislation?

Senator Kirby: No. That was, of course, my instinctive reaction. In existing regulation, the Canadian Transport Agency, the CTA, has the authority to request this information but it has no legal authority to make it public. In fact, it is explicitly prevented from making public any operational information it receives about an airline. This bill is fundamentally structured to remove that prohibition with respect to these characteristics.

On motion of Senator Robichaud, for Senator Callbeck, debate adjourned.

BUSINESS OF THE SENATE

Hon. Pat Carney: Honourable senators, as a Western senator, I have a time constraint on the only flight back home. I am wondering if there would be unanimous consent to move to Inquiries so that I could make my statement?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

THE SENATE

BRITISH COLUMBIA—ELECTION OF SENATORS—
INQUIRY—DEBATE ADJOURNED

Hon. Pat Carney rose pursuant to notice of March 12, 2001:

That she will call the attention of the Senate to the desirability of electing Senators from the Province of British Columbia to the Senate of Canada.

She said: Honourable senators, I am grateful for your cooperation. The hour is late in this chamber but it is, of course, three hours earlier in British Columbia. While it is cold and chilly and snowy outside, I can report to you that, on my island home of Saturna, the crocuses are up, the narcissi are blooming. I am ordering earth and picking out weeds.

Similarly, the westerly winds of parliamentary change are blowing through the West with a velocity greater than they are here in Central Canada. One of those changes is parliamentary reform which is a very big issue in my province of British Columbia and other Western provinces.

Making Parliament more reflective and responsible to the Canadian public is very much on our minds. This is particularly true of my province of British Columbia where many people tell me that they feel under-represented in Parliament as our provincial population outpaces the number of elected MPs in the other place.

In 1998, when we were discussing the Calgary declaration, a B.C. unity panel was touring the province. In a poll of 1,800 British Columbians, 90 per cent felt B.C. was under-represented in Parliament. That is a huge number.

As we know, B.C. only has six senators in this place; New Brunswick has 10. B.C.'s population is 4 million; New Brunswick's is one-fifth of that. We do not have enough senators for equal representation in this chamber. Senatorial seats mean votes. MPs mean votes. And votes in Parliament mean clout. In B.C. we feel we do not have enough parliamentary clout because we are under-represented.

• (1650)

There is no quick fix for this problem because it would take a constitutional change to resolve it, but within this context of parliamentary representation, I should like to draw the attention of honourable senators to the British Columbia Senatorial Selection Act, which was enacted by the B.C. legislative assembly in 1990. It sets out a process for the election of senators to British Columbia's six senatorial seats, during a provincial general election. The statute contains a sunset clause, which has since lapsed, that applied only to the election that came the next year. However, the British Columbia Senatorial Selection Act is still on the books and could very easily be revived.

I wish to thank the staff at the Library of Parliament who brought this to our attention. We do not give the wonderful people in the Library of Parliament enough credit for the work that they do for us.

Hon. Senators: Hear, hear!

Senator Carney: On Tuesday, March 13, 2001, I wrote to B.C. Premier Dosanjh urging him to reintroduce this statute in the B.C. legislative session, which opened yesterday in Victoria, so that senatorial elections could take place during the general election expected this spring. The statute would require only two simple amendments, which I will outline. If passed and if Prime Minister Chrétien then agreed to appoint a senator elect, I would consider putting my own seat on the line. We already have the vacancy created by the retirement of our "late, lamented" Senator Perrault. I do not know whether the offer to vacate my seat is viewed by my senatorial colleagues as a threat or a promise, but it is a genuine offer.

My interest in reviving this legislation is three-fold. First, one of the conditions laid out in the bill is that a vacancy among the six seats allotted to British Columbia in the Senate of Canada exists at the present time. That is a necessary stipulation in the bill.

Second, many British Columbians desire elected representation in a reformed Senate, and electing their senators would be a symbolic but important step. One of the unity panel quotes from the public stated, "The election of senators would give voters a more personal sense of projecting British Columbian interests in Ottawa, as well as a greater participation in national affairs."

Third, the election of B.C. senators under B.C. legislation would encourage British Columbians to take more control over their affairs within Confederation and could help reduce a pervasive and evident sense of alienation from the federal government in Ottawa.

I do not want to suggest, honourable senators, that Senate reform in British Columbia is a burning issue that keeps people awake at night. Professor Philip Resnick of the University of British Columbia, in his book entitled *The Politics of Resentment: B.C. Regionalism and Canadian Unity*, points out that Senate reform for many British Columbians is something of a side issue in terms of the larger debate about the regional national interests in the sense that B.C. deserves a larger place in the Canadian sun.

In B.C., as in much of Canada, the role of the Senate is not widely understood. A couple of years ago, I went to a small village on the west side of Vancouver Island that is accessible only by sea or air. I asked the local grade 5 class to do a show and tell about what a senator is. One of the students drew a picture of two hockey players with a puck and a referee, and he wrote: "What is a senator? They are rich men; they wear tuxedos; they go to meetings; and they play hockey. They are called the Ottawa Senators."

I am glad that my adopted B.C. colleague and hockey player Senator Mahovlich is in the house to hear this.

Under our Constitution, the right to appoint senators remains with the Governor General in Council on the advice of the Prime Minister, but precedents exist. In 1990, Prime Minister Brian Mulroney appointed an elected senator, Stan Waters, to represent the province of Alberta in the upper chamber. Alberta has since elected two more senators in waiting, and Saskatchewan Alliance members of Parliament are calling for senatorial elections. If the Western provinces all support senatorial elections, then Prime Minister Jean Chrétien should and must listen and act if he is sincere in reducing regional tensions in Western Canada.

One factor in the sense of isolation experienced by some British Columbians is the feeling that their fate is controlled to a large extent by alien forces in Ottawa. Voting patterns show that we do not tend to elect MPs of the governing Liberal Party, as one pragmatic editor of *Maclean's* recently urged westerners to do: "Be like Ontario, elect Liberals." We voted for the governing Conservatives in the 1980s, and we annihilated them in the 1990s. In the largely Conservative province of British Columbia, not one Conservative MP survived. Instead, we elected mainly Alliance MPs, who were shut out of power nationally, despite their effectiveness locally. We seem content to remain on the margins of the nation.

One result is a sense of complacency, of indifference, a "who cares" attitude to national affairs. I believe that a province-wide contest to elect B.C. senators could help create renewed interest in participating in the life of the so-called centre in Ottawa. At the very least, it would create more awareness in British Columbia of the usefulness of the Senate in serving regional interests.

While that may have been the intent when Bill 65 was first introduced during the Fourth Session of the Thirty-fourth Parliament of British Columbia and assented to on July 27, 1990, it is hard to tell from the debates that occurred at the time. A Senate vacancy had been created by the untimely death of Senator Nancy Bell, a feisty woman who broke with her own Liberal Party over its opposition to the Free Trade Agreement, which the Liberal Party later supported. In speaking to the bill, Provincial Secretary Howard Dirks on the government side said:

This is not major Senate reform, but it is an incremental step in that direction, and it would allow the electorate of British Columbia at the next provincial election to democratically choose a person to represent them in the Senate of Canada.

Ironically, NDP MLA Mark Rose, a former colleague of mine when we both served as MPs in the House of Commons, gave an unenthusiastic endorsement of the bill on the grounds that it might prevent Prime Minister Mulroney from appointing Pat Carney to the Senate. One month later, on August 30, Prime

Minister Brian Mulroney did just that. At the time, of course, conditions for an imminent general election did not exist. The general election was held more than one year later.

Times have changed. I wrote the premier that if he was willing to introduce legislation dealing with the election of B.C. senators, he might ask Prime Minister Chrétien to refrain from filling the vacancy created by the retirement of Senator Ray Perrault until the B.C. senatorial elections can take place. Since one additional B.C. Senate seat will become vacant in the next few years, B.C. could produce several senatorial candidates. Alliance Senator Gerry St. Germain has publicly declared his enthusiasm for an elected Senate, and I would expect him to take appropriate measures.

Under such circumstances and in order to provide some momentum for change, I would consider vacating my own Senate seat, subject to the willingness of the Prime Minister to appoint an elected senatorial candidate who, of course, meets the qualifications for senators as contained in the federal Constitution Act. We are not electing "Buster the Wonder Dog." The successful candidate must meet the requirements for appointment to the Senate.

Since 1965, senators must retire at the age of 75; they must be a minimum of 30 years of age; they can be male or female; and they must reside in the province that they represent. If the individual hails from Quebec, he or she must represent a senatorial district of that province. Senatorial candidates must be a Canadian citizen or a British subject, and they must own real property within their own province to a net value of \$4,000 above debts and liabilities. A senator vacates a seat by losing his or her residence or property qualifications, or by being convicted of any infamous crime. There are other criteria, but the fact is that a candidate in the British Columbia election for senator would have to meet those conditions.

To meet today's requirements, I suggest that the existing British Columbia Senatorial Selection Act requires two simple amendments, both in clause 3 of the nine-clause bill. It sets out the purpose of the act. It states:

...it is appropriate that the Prime Minister of Canada be advised as to the person or persons by whom the people of British Columbia desire to be represented in the Senate of Canada;

• (1700)

In terms of the operative clause about elections, it says:

If one or more vacancies exist among the members representing British Columbia in the Senate of Canada on the day of the issue of the writs of election under the Election Act for the general election next occurring after the coming into force of this Act, the Lieutenant Governor in Council shall initiate an election under this Act by

(a) issuing a writ of election...

(b) setting out the number of persons to be elected.

I am suggesting that we need only amend clause 3 by adding, after "If one or more vacancies exist," "or notice of vacancies." In that way, if you knew that a senator was retiring or stepping down, you could have nominations and elections for that post.

Similarly, you would drop the sunset clause that limited this only to the next election just by saying "a general election after the coming into force of the act". In that way it could be ongoing.

As I have said, honourable senators, the qualifications required for nomination for senator are set out in the Constitution Act, but they cannot be members of the House of Commons or the Senate of Canada or a member of the Legislative Assembly. I, for instance, as a sitting senator, could not run for this position.

This differs from the situation in Alberta in that you need not be a member of a political party. As long as you meet those qualifications, you can run for election. Similarly, if only one person is to be elected under the act, the candidate with the highest number of votes shall be declared elected. If more than one person is to be elected under this act, the candidate with the highest number of votes shall be declared elected and the candidate with the next highest number of votes shall be declared elected, and so on until the number of candidates to be elected at the election under this act are declared elected.

The Hon. the Speaker: Honourable senators, I must advise that Senator Carney's time of 15 minutes has expired.

Senator Carney: May I have permission to continue?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Fernand Robichaud (Deputy Leader of the Government): No.

The Hon. the Speaker: There not being unanimous consent for leave to continue, we must move on to the next item.

On motion of Senator Milne, debate adjourned.

PRIVACY RIGHTS CHARTER BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the second reading of Bill S-21, to guarantee the human right to privacy.—(*Honourable Senator Finestone, P.C.*).

She said: Honourable senators, I am pleased to rise to move second reading of Private Member's Bill S-21, to guarantee the human right to privacy. This act may be cited as the privacy rights charter.

Honourable senators, in a more perfect world, the privacy environment would not be so frequently threatened by invasive

technologies and curious, sometimes malevolent, onlookers. If the privacy environment were benign, we could move at a leisurely pace to introduce measures to enhance privacy.

However, the environment is not benign. We are witnessing an ever-growing technological capacity to assemble and match data and to intrude into our private lives in many other ways. Technology, the lust for power, and the desire to know all and see all have made it imperative that we move quickly if we are sincere about protecting this right; if we are sincere about protecting one of the key values in democracy.

Thirteen years have passed since Parliament conducted a thorough review of the federal Privacy Act. Four years have elapsed since the publication of the report of the House of Commons Standing Committee on Human Rights and the Status of Persons with Disabilities on privacy "Where Do We Draw the Line?" yet there has been insufficient effort to translate persistent concerns about threats to our privacy into effective legislation.

The one important exception is the Personal Information Protection and Electronic Documents Act — Bill C-6 — which came into force, in part, on January 1. On many other fronts we have simply done too little, and it is almost too late if we truly wish to protect the privacy of Canadians.

Last June, I had the privilege to introduce Bill S-27, the privacy rights charter. As you know, that bill died on the Order Paper when the federal election was called. I was firmly committed to that bill when I introduced it last June. My commitment has not waned in the intervening months.

I hope that what I am about to say will reignite the interest and support that members of this chamber showed last year when I introduced the bill.

In the other place I was privileged to serve as the chair of the House of Commons Standing Committee on Human Rights and the Status of Persons with Disabilities. Over a ten-month period in 1996-97, the committee conducted an extensive examination right across Canada on the changing face of privacy.

A key recommendation of the committee was to enact a declaration of privacy rights. This quasi-constitutional document would apply within federal jurisdiction and would take precedence over ordinary federal legislation. It would serve as a benchmark against which the reasonableness of privacy-infringing practices and the adequacy of legislation and other regulatory measures would be assessed. Committee members also expressed the hope that this privacy charter would lead to the adoption of similar legislation by the provinces and territories.

For many months during 1999 and 2000 I worked with a dedicated group of privacy advisors and legal counsel. Together we developed the privacy rights charter, an overarching statement of principles to act as a template for the protection of privacy in relation to both the public and private sectors.

Though merely 12 clauses long, the privacy rights charter is in many ways a much larger document. It is intended to fill a significant gap in the protection of privacy by providing an umbrella of principles to inform the actions of Parliament and the federally regulated private sector. It reflects countless discussions. It incorporates the views of those who will be affected and served by this legislation.

Look at the value the charter protects. It protects the right of privacy. Privacy, after all, is a fundamental human right and we need to place privacy in this human rights context, for once privacy is lost it cannot be regained. Without adequate protection of the right of privacy, many other rights that we all take for granted in a democratic society are also undermined.

Honourable senators, privacy is not an absolute right, just as freedom of expression is not. There are circumstances in which limits must be placed on both in the name of the greater social good. As abstract values, they must be balanced and based on legally defined laws in the public interest. It is also possible for a person to waive the right to privacy, but such consent must be knowingly given. It must be informed consent.

As I speak to this bill, I am drawn to the words of Mr. Justice La Forest in the Supreme Court of Canada's 1990 *Duarte* decision, and I quote:

It has long been recognized that this freedom not to be compelled to share our confidences with others is the very hallmark of a free society.

If there is a single philosophical concept that most closely approximates the ideal of this bill, it flows from just those observations made by Justice La Forest.

Two events in particular since last June have increased my resolve to pursue the enactment of this bill. Both events occurred within the last six weeks. Both underscore the threats to our privacy.

Last month's publication of a draft of the human genetic code — the human genome — was a major milestone in a project that began in earnest in the late 1980s. Yet, it is only an early milestone. Scientists confess to understanding only about 3 per cent of the genome. Even with that limited understanding, reports abound of newly discovered genetic links to diseases and behavioural traits, and about how science can now uncover genetic characteristics that are intensely personal to each of us.

• (1710)

What are the consequences of unlocking greater and greater parts of our genetic identities? Will that information be used for our benefit to improve medical science and to warn us of health risks that we can avoid through changing our lifestyles, or will it be used to our detriment in employment, in access to services such as bank loans and insurance, and in determining the extent

to which we may participate in society, as so often has happened with other personal information?

Unless we control who has access to intensely personal genetic information, it can be wrongly used and it can be an injurious instrument. That is where the principles and provisions of the privacy rights charter can help to establish appropriate norms, particularly since Parliament will inevitably have difficulty in responding with specific legislation to rapidly evolving privacy issues such as those relating to genetics.

The privacy rights charter can be the overarching umbrella to protect privacy where specific legislation is lacking. It can also hold specific legislation to an appropriate standard of privacy protection.

Honourable senators, a second, even more recent, development has increased my resolve to pursue the enactment of the privacy rights charter. A news report earlier this month stated that Canadian Customs officials randomly open mail coming into Canada using their authority under the Customs Act.

The news report stated that Customs sometimes confiscates documents and sends them to other departments. In other cases, documents are copied and sent to departments while the original mail goes to the addressee. The news report continued to state that Immigration Canada has created a "mail-seizure database" that catalogues information passed along by Customs.

Several immigration lawyers across the country say they have discovered that their mail — notably correspondence from clients — has been opened.

I am pleased that the Privacy Commissioner of Canada has launched an investigation into this activity. However, the Privacy Commissioner must work within the parameters of the federal Privacy Act. That act regulates the handling of personal information by federal government institutions, but it may offer little effective protection. Remember that the Privacy Act permits the collection of personal information if it relates directly to an operating program or activity of a government institution, in this case the Canada Customs and Revenue Agency.

Clearly, something more is needed to protect privacy. That something more is the bill before you, the privacy rights charter.

I am certainly not here to prejudge the outcome of the investigation into the opening of mail by Customs officers. However, I would suggest that the principles set out in the privacy rights charter would help to determine the reasonableness of this intrusion in the circumstances.

Had the privacy rights charter been in force when the mail opening provisions of the Customs Act were being considered by Parliament, the Minister of Justice would have had an obligation to review the provisions to ensure that they complied with the privacy rights charter. Mail opening powers might have been addressed differently. However, even if they were not, the privacy implications would have at least been thoroughly aired.

Clearly, there has been some movement to protect privacy in this country. The Quebec Charter of Human Rights and Freedoms has obtained a sort of quasi-constitutional status in that province. It affords every person the right to respect for his or her private life.

The federal Privacy Act and its provincial and territorial counterparts have helped to control the enthusiasm of governments for collecting, using and disclosing personal information about Canadians. However, that legislation deals only with personal information.

The Personal Information Protection and Electronic Documents Act, following the example of Quebec's private sector data protection legislation, came into force on January 1 of this year. It represents a significant advance in the protection of the personal information of Canadians held by the private sector. However, that act is limited to data protection and, at least initially, covers only the federally regulated private sector.

Some people may claim that the Personal Information Protection and Electronic Documents Act interferes unnecessarily with commercial activities. I urge you to look at his legislation in another light. Look at it as reflecting a balance that respects both privacy and legitimate commercial interests.

As you are also well aware, the Canadian Charter of Rights and Freedoms does not contain an explicit right to privacy. Courts have increasingly read such a right into sections 7 and 8 of the Charter. Section 7 expresses the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 8 expresses the right to be secure against unreasonable search or seizure. The scope of the privacy right that is being read into the Charter, however, is far from certain. These measures to protect privacy are simply not enough. They are only pieces of a much larger privacy pie. It depends very much on whether a particular privacy issue becomes the subject of litigation.

In 1991, the Privacy Commissioner of Canada appeared before the Special Joint Committee on a Renewed Canada to advocate amending the Charter of Rights to give Canadians clear constitutional privacy protection. However, as we all know, no constitutional amendments resulted. Last year, in his final report as Privacy Commissioner, Bruce Phillips recognized that any government would likely be reluctant to reopen the Charter of Rights in the near future.

The privacy rights charter offers Canadians a way to protect themselves from all privacy abuses that might occur in areas within federal jurisdiction. It serves as a litmus test to allow people to measure intrusive actions by those around them, be it governments or private sector organizations.

The charter thus seeks to ensure that this fundamental value of privacy, this instrument for the preservation and enhancement of other democratic rights, is positioned as securely as our

parliamentary processes and our current constitutional realities permit.

I might note that the former Privacy Commissioner described the privacy rights charter as an alternative that he could "enthusiastically support," given that Canadians still do not have a broad constitutional right to privacy. The current Privacy Commissioner is equally enthusiastic in his support. As well, Dr. Ann Cavoukian, Ontario's Information and Privacy Commissioner, said the following:

The need to protect privacy reaches into every corner of our lives. Creating a privacy rights charter would be a bold step toward a more equitable and just society, where our autonomy and human dignity are protected.

Honourable senators, with the rapidity that information technology has taken over our modern world, I suggest that we would be virtually nowhere in terms of safeguarding our human worth and dignity if it were not for our willingness to take bold measures.

At the heart of this privacy rights charter, in its preamble, is the recognition of privacy as a basic human right and a fundamental value. This is a defining difference between an authoritarian state and one built on democratic principles.

The preamble reflects Canada's commitment, as a signatory to international human rights instruments, to honour and promote privacy. It acknowledges privacy as an interest in the public good, one that is essential to the preservation of democracy and the exercise of many of the rights and freedoms guaranteed by Canada's Charter of Rights and Freedoms.

The privacy rights charter seeks to give effect to several principles: first, that privacy is essential to an individual's dignity, integrity, autonomy and freedom, and to the full and meaningful exercise of human rights and freedoms; second, that there is a legal right to privacy; and third, that an infringement of the right to privacy, to be lawful, must be justifiable. Here, the bill is recognizing the reality that privacy rights are not absolute. Some infringements are lawful.

The charter will apply to all persons and matters coming within the legislative authority of Parliament. It states explicitly that every individual has a right to privacy.

This right includes, but is not limited to, physical privacy, freedom from surveillance, freedom from monitoring and interception of private communications, and freedom from the collection, use, and disclosure of personal information.

This charter, therefore, goes much beyond data protection. It deals with all forms of unjustifiable privacy infringements.

The charter states explicitly that no person shall unjustifiably infringe another's right to privacy. Every individual is entitled to claim and enforce that right. Equally, every individual can refuse to unjustifiably infringe the right of another individual without reprisal or threat.

• (1720)

As I mentioned before, privacy rights are not absolute. The key is to prevent unjustifiable infringements on privacy. The key is balance.

Under the privacy rights charter, any infringement of an individual's right to privacy would be improper unless that infringement were reasonable and could be demonstrably justified in a free and democratic society. As well, an interference with an individual's privacy does not infringe that individual's right to privacy if the interference occurs with the free and fully informed consent of the individual.

Some might see the charter as an attempt to stifle certain essential activities. For example, in our business world, respect for privacy rights can be an important asset. Business wants to be trusted. To be trusted, it must be trustworthy.

Another example would be policing. It is not intended to interfere with the police or other bodies that legitimately need to intrude on privacy. The use of certain police powers, exercised in accordance with valid legislation, would constitute a justifiable infringement on the right to privacy. Certainly the charter could help to clarify circumstances in which our personal communications can be intercepted, our cell phone conversations monitored and our genes analyzed.

The charter would require the Minister of Justice to review all proposed legislation and regulations to determine whether they comply with the purpose and provisions of the privacy rights charter. The minister must report any inconsistency to Parliament at the first convenient opportunity and give public notice by publishing the report in the *Canada Gazette*.

The minister would also be required to notify the Privacy Commissioner of Canada of any inconsistency or non-compliance at the first convenient opportunity. If the Privacy Commissioner requests, the minister must consult with and receive advice from the commissioner.

These review and notification obligations should promote a new sensitivity to the privacy implications of legislation and regulations. They are necessary to preserve this right in the face of the multitude of pressures to diminish and destroy it. They would also ensure greater transparency in the legislative process.

To provide greater certainty about which infringements of privacy are acceptable, the Governor in Council is authorized to codify the infringements that are permitted by the privacy rights charter. This is not a notwithstanding clause or an exception provision. The only authority would be to codify those infringements that are justifiable under the charter. The authority does not extend to producing regulations that violate the charter.

The bill also enhances the protection of privacy where, for example, a federal institution enters into contracts with agents or organizations outside government. In other words, government parties that are subject to this charter would not be able to

sidestep its privacy obligations by contracting out a particular function to an association, corporation, partnership, trade union or Crown corporation.

It is also important that the privacy rights charter have paramountcy over other ordinary legislation, since an inconsistency or conflict might arise between the privacy rights charter and another act.

The charter will prevail to the extent of the inconsistency or conflict unless the other act expressly declares that it operates despite the charter. Furthermore, no provision of any other act would be construed so as to derogate from any provision of the charter.

The paramountcy provision comes into force only one year after the charter receives Royal Assent. This will give Parliament time to amend legislation that might be affected by the paramountcy provision.

Honourable senators, I have provided an overview of the bill. Underlying all its provisions is the desire to prevent a society where there is no place to hide, no place to be anonymous and no place to express the individuality that we so much cherish and require in a democracy. We do not want to be constantly checking over our shoulders to see who is monitoring us. We have seen this type of oppressive behaviour too many times in too many countries. These are not models that Canada wishes to emulate.

I do not wish to sit idly by watching one of the fundamental pillars of a democratic society crumble through atrophy. I am asking you to support the privacy rights charter to ensure that our privacy is not lost as a value.

We all want to provide a legacy of strong democratic institutions for this extraordinary country. We should all be willing to go beyond the limited, although important, protection of privacy offered by current legislation so that the right of privacy can be protected against the improper intrusions that modern technology and overly inquisitive minds can dream up.

There are strong vested interests in being able to intrude into our privacy. Personal information, after all, is often a commercial commodity. Some of those vested interests are governmental. Others emerge from within the private sector. I also know that many fine minds will direct their attention to the bill and suggest measures to improve it. There are also vested interests, but of a different sort.

This privacy rights charter is a statement of the kind of society that we want to promote — a society that respects privacy and the other important values that flow from it. Honourable senators, I will welcome the views of witnesses when they appear to address the bill at committee stage. I do not intend to be inflexible in my pursuit of enacting the bill. My goal is simply to ensure the vibrancy of privacy in today's society and in Canada's exciting future.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, there is no right as important as the right to privacy. Amongst our colleagues, there is no honourable senator as assiduous and diligent as Senator Finestone in promoting the right to privacy of all Canadians. The bill that she has brought to this chamber is deserving of thorough study and examination. I would not want to address the principle of the bill without having read the excellent speech that she has given this afternoon. However, I should like to indicate my support for Bill S-21 and I shall work this weekend and speak at second reading next week.

With that, honourable senators, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

SCRUTINY OF REGULATIONS

REPORT OF STANDING JOINT COMMITTEE PURSUANT TO RULE 104 ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee of the Senate and House of Commons on the Scrutiny of Regulations (permanent order of reference), presented in the Senate on March 14, 2001.—(*Honourable Senator Finestone, P.C.*).

Hon. Sheila Finestone moved the adoption of the report.

Motion agreed to and report adopted.

OFFICIAL LANGUAGES

REPORT OF STANDING JOINT COMMITTEE PURSUANT TO RULE 104 ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on Official Languages (permanent order of reference), presented in the Senate on March 14, 2001.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu moved the adoption of the report.

Motion agreed to and report adopted.

Translation]

REVIEW OF ANTI-DRUG POLICY

MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE AS AMENDED ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Molgat:

That a Special Committee of the Senate be appointed for a period of three years to thoroughly examine Canada's

anti-drug legislation and policies, to carry out a broad consultation of the Canadian public, and finally, to make recommendations for a national strategy on illegal drugs developed by and for Canadians;

That the Committee, in pursuing this mandate, give particular importance to issues relating to cannabis and prepare an interim report on cannabis;

That, without being limited in its mandate by the following, the committee be authorized to:

- review the federal government's policy on illegal drugs in Canada, its effectiveness, and the ways in which it is implemented and enforced;

- study public policy approaches adopted by other countries and determine if there are applications to Canada's needs;

- examine Canada's international role and obligations under United Nations conventions on narcotics and the Universal Declaration of Human Rights and other related treaties in order to determine whether these treaties authorise it to take action other than laying criminal charges and imposing sentences (at the international level);

- examine the social and health effects of illegal drugs and explore the potential consequences and impacts of alternative policies;

- examine any other issue respecting Canada's anti-drug policy that the Committee considers appropriate to the completion of its mandate.

That the Special Committee be composed of five Senators and that three members constitute a quorum;

That the Honourable Senators Kenny, Molgat, Nolin, Rossiter and (a fifth Senator to be named by the Chief Government Whip) be named to the Committee;

That the Committee have the power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers, briefs and evidence from day to day as may be ordered by the Committee;

That the briefs received and testimony heard during consideration of Bill C-8, An Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the Committee;

That the papers and evidence received and taken on the subject and the work accomplished by the Special Committee on Illegal Drugs during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee have the power to authorize television, radio and electronic broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee be granted leave to sit when the Senate has been adjourned pursuant to subsection 95(2) of the *Rules of the Senate*; and

That the Committee submit its final report not later than three years from the date of its being constituted,

And on the motion in amendment of the Honourable Senator Kenny, seconded by the Honourable Senator Nolin, that the motion be amended by deleting all of the words following the word That, and replacing them with the following:

... a special committee of the Senate be struck to examine:

– The approach taken by Canada to cannabis, its preparations, derivatives and similar synthetic preparations, in context;

– The effectiveness of this approach, the means used to implement it and the monitoring of its application;

– The related official policies adopted by other countries;

– Canada's international role and obligations under United Nations agreements and conventions on narcotics, in connection with cannabis, the Universal Declaration of Human Rights and other related treaties; and

– The social and health impacts of cannabis and the possible consequences of different policies;

That the special committee consist of five senators, three of whom shall constitute a quorum;

That the Honourable Senators Banks, Kenny, Nolin, Rossiter and (a fifth Senator to be named by the Chief Government Whip) be named to the committee.

That the committee be authorized to send for persons, papers and records, to hear witnesses, to report from time to time, and to print from day to day such papers and evidence as may be ordered by it;

That the briefs and evidence heard during consideration of Bill C-8, *An Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof*, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the committee;

That the documents and evidence compiled on this matter and the work accomplished by the Special Senate Committee on Illegal Drugs during the Second Session of the Thirty-sixth Parliament be referred to the committee;

That the committee be empowered to authorize, if deemed appropriate, the broadcasting on radio and/or television and the coverage via electronic media of all or a part of its proceedings and the information it holds;

That the committee present its final report no later than August 31, 2002; and that the committee retain the powers necessary to publicize its findings for distribution of the study contained in its final report for 30 days after the tabling of that report;

That the committee be authorized, notwithstanding customary practice, to table its report to the Clerk of the Senate if the Senate is not sitting, and that a report so tabled be deemed to have been tabled in the Senate.—(*Honourable Senator Taylor*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the motion in amendment stands adjourned in the name of Senator Taylor. The honourable senator just wanted some time to consider the amendment, which he did. I was given the assurance that he does not intend to speak to the amendment unless another senator would like to do so. We could proceed with consideration of the amendment and move on to the main motion.

[*English*]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

Motion in amendment agreed to.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion as amended?

Hon. Senators: Agreed.

Motion as amended agreed to.

• (1730)

OFFICIAL LANGUAGES

STANDING JOINT COMMITTEE AUTHORIZED
TO MEET DURING SITTINGS OF THE SENATE

Hon. Shirley Maheu, pursuant to notice of March 14, 2001, moved:

That the Standing Joint Committee on Official Languages have power to sit during sittings of the Senate; and

That a message be sent to the House of Commons to inform that House thereof.

The Hon. the Speaker: Honourable senators, before I call the question, I believe that Senator Corbin wishes to speak.

Hon. Eymard G. Corbin: Honourable senators, I have a question for Senator Maheu. Has the Standing Joint Committee on Official Languages changed its sitting times in this current Parliament?

Senator Maheu: It will be sitting at 3:30 p.m., as in the past.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been granted to revert to Notices of Motion:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That, when the Senate adjourns today, it do stand adjourned until Tuesday next, March 20, 2001, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, March 20, 2001, at 2 p.m.

[illegible]

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance					
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications					
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31							
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07							
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07							
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology					
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources					
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20							
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21							
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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• VOLUME 139

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OFFICIAL REPORT
(HANSARD)

Tuesday, March 20, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, March 20, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before calling Senators' Statements, I draw to your attention our practice of receiving pages from the other place from time to time. We have with us today three pages on an exchange.

On my right is Chelsea Anders. She is pursuing studies in mathematics at the Faculty of Arts of the University of Ottawa. Chelsea is from Winnipeg, Manitoba.

[Translation]

Geneviève Lay is studying history at the Faculty of Arts of the University of Ottawa. She is from Dorval, Quebec. Welcome.

[English]

Honourable senators, on my left is Jessica Hume from Abbotsford, British Columbia. She is studying at the Faculty of Arts of the University of Ottawa. Her major is communications.

Welcome.

SENATORS' STATEMENTS

CANADIAN INTER-UNIVERSITY ATHLETIC UNION BASKETBALL CHAMPIONSHIPS

CONGRATULATIONS TO ST. FRANCIS XAVIER UNIVERSITY

Hon. B. Alasdair Graham: Honourable senators, I rise in this chamber for the second year in a row to offer humble congratulations to the St. Francis Xavier University X-Men who last Sunday staged a dramatic, heart-stopping overtime victory to capture the Canadian Intercollegiate Basketball Championship before a sellout crowd at Halifax's Metro Centre.

Some Hon. Senators: Hear, hear!

Senator Graham: I hope the applause does not take away from my time, Your Honour.

Honourable senators, the final was a repeat of last year's cliff-hanger in a narrow 83-76 triumph over the Brandon University Bobcats.

The next person I will mention is not a relative of our own Senator Donald Oliver, but the hero of the overtime win was Halifax native Dennie Oliver who, moments earlier, must have

felt like the last person on the *Titanic*. With the game tied 72-71 at the sound of the buzzer at the end of regulation time, Olive was awarded two foul shots, either of which would have won the championship for St. FX. In an astonishing, uncharacteristic lapse in concentration and accuracy, he missed them both, giving the Manitoba representatives another chance to capture the crown in the extra period.

With characteristic encouragement from his teammates, Olive regrouped and pumped home five points as the X-Men outscored the Bobcats 11-4 in the overtime session. The final score was St. FX 83, Brandon 76.

Honourable senators, it was a fairy-tale year for the Xaverians who lost only one game all season, an exhibition against Western last fall.

While the X-Men and the community of Antigonish today celebrate another championship, I thought about the spirit of university athletics and all the wonderful people who give so much of their time to keep the spirit alive. I thought about the young people who learn to play the game with brains, heart and soul. I thought about the post-game comments of Dennie Olive when he summed up his team's success with the simple phrase "We stuck together." I thought of the collegiality, the sense of teamwork and purpose all of these fine young athletes will bring with them in whatever pursuits, whatever roads they follow in life. I also thought about the bonds formed in the pursuit of excellence — bonds from the pain of training and the agony of losing, bonds formed from the exhilaration of victory and the chemistry of young people who set their sights on a dream.

Honourable senators, someone once said that sports do not build character; they reveal it. Whatever your view, we extend the most sincere and hearty congratulations once again to Coach Steve Konchalski, the Canadian Coach of the Year, who has provided such inspired leadership to his players for over a quarter of a century.

The Hon. the Speaker: I regret to advise the honourable senator that his time has expired.

CANADA CUSTOMS AND REVENUE AGENCY

CONDUCT OF INVESTIGATORS IN CASE AGAINST TAXPAYER

Hon. Donald H. Oliver: Honourable senators, I rise to draw your attention to a recent court case in Brantford, Ontario, that demonstrated the shocking shortcomings and weaknesses of government department, namely, Revenue Canada. The case decided by Justice Kenneth Lenz, concerned an Ontario pharmacist, Ronald Cowell, who was charged with evading tax of \$72,000 on unreported income of \$228,000.

• (1410)

Judge Lenz stayed all charges against Mr. Cowell because of what he called the "unprofessional conduct of Revenue Canada."

The charges were laid in November 1995, but the matter was concluded in December 2000 because Revenue Canada was reluctant to disclose some of the documents related to the case. There were delays in disclosing documents vital to the defence. The court also found that tax investigators misrepresented themselves and abused their powers. In his ruling, Judge Lenz stated:

They were relying on the powers of compliance auditors to obtain the cooperation of the taxpayer. That attitude is typical of the attitude of Revenue Canada special investigators who seem to see themselves as a power unto themselves with no desire to be constrained by outside authority, even the Charter of Rights and Freedoms.

Mr. Cowell, owner of Dial Drug Stores Limited, failed to report four years of income rebates paid by large generic drug manufacturers, Novapharm and Apotex. He was personally charged with making false or deceptive income tax returns for the years 1990, 1991, 1992 and 1993. Judge Lenz rejected the admission of all evidence obtained by way of misrepresentation. He noted that investigators lied about the true purpose of their inquiry and failed to advise the defendant of his right to remain silent or retain counsel. Judge Lenz said:

I find as a fact on a balance of probabilities that Revenue Canada in this matter obstructed at almost every turn the defendant's attempt, through counsel, to obtain disclosure.

Honourable senators, this is a shocking case. I have heard of other accounts of the misuse of power by Revenue Canada officials. Maybe it is time that the Senate of Canada undertook a major study of the department, as was done a couple of years ago in the United States by Senator Roth, former Chairman of the Senate Finance Committee, into the actions of the Internal Revenue Service.

[Translation]

INTERNATIONAL FRANCOPHONIE DAY

Hon. Rose-Marie Losier-Cool: Honourable senators, today, March 20, we and all countries who share the use of French are celebrating the Journée internationale de la Francophonie, International Francophonie Day.

What is the Francophonie? Comprised of 55 countries or governments, the Francophonie is an organization that was created at Niamey, Niger, in 1970. It is a group of states and governments that meet at a summit every two years to define the orientations and programs of the Organisation internationale de la Francophonie, headed by Boutros Boutros-Ghali.

I shall touch very briefly on the Canadian Francophonie in minority situations. To me they represent generosity, necessity, diversity and vitality. That vitality can be found in the 53,000-plus francophones of Alberta.

On the other side of the Rockies, in British Columbia, there have been francophones since Sir Alexander Mackenzie's expedition of 1793. Moreover, British Columbia owes its first hospital, its first convent and its first newspaper to its francophones. There are more 53,000 francophones in British Columbia at the present time, or 1.5 per cent of the total population.

The late Senator Molgat was an excellent ambassador for Franco-Manitobans. They total over 49,000 and have their own schools, the Collège universitaire de St. Boniface for post-secondary education, and they have access to health services in French.

Close to 4.6 per cent of the total population of the province of Ontario is francophone and those 500,000 Franco-Ontarians have the good fortune to have their interests staunchly defended by the Honourable Jean-Robert Gauthier.

Today, there are close to 300,000 Acadians in the Atlantic Canada provinces. This Acadian Francophonie has French-language schools with boards run by francophones, the Université de Moncton with its law faculty, the Université de Pointe-à-l'Église in Nova Scotia, the Collège d'Acadie in Nova Scotia with its distance education program, community radio stations, French-language community centres, the Conseil économique du Nouveau-Brunswick, the Société des Acadiens et Acadiennes du Nouveau-Brunswick, the Fédération des Acadiens de la Nouvelle-Écosse, the francophones of Newfoundland and Labrador, and the Acadians of Miscouche and Prince Edward Island. It is a Francophonie with an economic, cultural, technological and linguistic vision.

I am pleased that the last Speech from the Throne provided for additional funding for the purpose of implementing the virtual franco-communities program to increase French-language content on the Internet.

In closing, I would ask all senators to join with me in wishing all francophones in Canada a wonderful Journée internationale de la Francophonie.

Hon. Jean-Robert Gauthier: Honourable senators, I am going to continue in the same vein as Senator Losier-Cool. Canada has played a very important role in the establishment of the Francophonie. Along with European countries, such as France, Belgium and Switzerland, and certain African countries, with which we have French in common, we helped to create the Francophonie. These countries respect us.

The Francophonie has a very special place in Canada because we have no colonial history. For instance, when we speak of the Commonwealth, with its long colonial history, we immediately think of English, which is the common language. The Francophonie does not have this kind of economic connection. In the Francophonie, the connection is strictly linguistic and cultural. It is therefore a bit more complicated.

Next July, the IVth Games of la Francophonie will be held in the nation's capital. I invite you to take part. There will be representatives from Asia, Africa, the Americas and Europe. We must give them a warm welcome. I will close by saying that the Francophonie is important for Canadians. I wish you Bonne fête!

[English]

CANADIAN INTER-UNIVERSITY ATHLETIC UNION BASKETBALL CHAMPIONSHIPS

CONGRATULATIONS TO ST. FRANCIS XAVIER UNIVERSITY

Hon. Jane Marie Cordy: Honourable senators, as a Nova Scotian, I join Senator Graham in extending my sincere congratulations to the St. Francis Xavier men's basketball team on winning their second consecutive CIAU Championship on Sunday. The phenomenal success of the program can be attributed first and foremost to Coach Steve Konchalski, who, as Senator Graham mentioned earlier, was named the CIAU Coach of the Year. Not enough can be said about this man who has been the heart and soul of St. FX basketball for the past 26 seasons. Coach K, as he is affectionately referred to by his players and, indeed, the entire basketball community in Canada, has been an example for all, not only in basketball but in life. The lessons that he passes on to players, on and off the court, go a long way in developing Canada's leaders of tomorrow.

This amazing back-to-back championship was won as a result of teamwork.

Having said that, a number of individuals deserve special recognition. Randy Nohr is a champion on and off the court and leads his team by example. Only the class that he demonstrates off the court equals his skill and determination on the court. Jordan Croucher, who sent the exhilarating game into overtime, showed the country poise and resilience that are not often seen in a man his age. St. FX is lead by arguably the best basketball player in the country, Fred Perry, who led the team through the Atlantic University Basketball Conference undefeated this year, and then into the CIAU final.

Honourable Senators, St. FX is not just a university in Nova Scotia, it is a tradition — a source of pride, not only for friends and alumni, but for all Nova Scotians. The X-ring, worn so proudly by its graduates, is one of the most recognizable in the world.

While I am not a Xaverian, as Senator Graham is, my husband is a graduate of St. FX, and my youngest daughter is currently a student there. The experiences that she will take away from Antigonish will only accentuate the world-class education that she receives.

Champions are measured by their abilities on and off the court. For that reason, I know that this team will always be considered one of our country's greatest champions.

[Senator Gauthier]

[Translation]

ROUTINE PROCEEDINGS

ADJOURNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and not withstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, March 21, 2001, at 1:30 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[English]

• (1420)

ETHICS COUNSELLOR

NOTICE OF MOTION TO CHANGE PROCESS OF SELECTION

Hon. Donald H. Oliver: Honourable senators, pursuant to rule 58(1), I give notice that on Wednesday, March 21, 2001, I will move, seconded by the Honourable Senator Comeau:

That the Senate endorse and support the following policy from the Liberal Red Book 1, which recommends the appointment of "an independent Ethics Counsellor to advise both public officials and lobbyists in the day-to-day application of the Code of Conduct for Public Officials. The Ethics Counsellor will be appointed after consultation with the leaders of all parties in the House of Commons and report directly to Parliament."

And that this Resolution be sent to the Speaker of the House of Commons so that he may acquaint the House of Commons with this decision of the Senate.

QUESTION PERIOD

NATIONAL DEFENCE

MINISTER'S ADVISORY BOARD REPORT ON GENDER INTEGRATION AND EMPLOYMENT EQUITY

Hon. Donald H. Oliver: Honourable senators, my question for the Leader of the Government in the Senate arises from last week's report of the Defence Minister's Advisory Board on the Canadian Forces Gender Integration and Employment Equity. I know that the Honourable Leader of the Government in the Senate was as shocked as I was with the revelation of the details of that report.

Its findings show that the combined enrolment of designated group members in the Canadian forces is less than 17 per cent, visible minorities in particular representing only 2.5 per cent. The Department of Defence received a very poor performance on diversity-oriented regroupment. In addition, there was strong evidence of prevalent negative attitudes both towards women and visible minorities.

When the Minister of Defence was asked to respond to the report, all he could say was that he was appalled by the findings, but when asked what he was going to do about the findings, he had no response. My question for the minister is: What will the government do, and what steps will the government take to rectify the many abuses against women and visible minorities in the Canadian forces?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. The report last week was deeply disturbing, not only for the failure of the Armed Forces to attract visible minorities and women to the service of our national defence, but also the statistical figures for Aboriginal people who also were not attracted in sufficient numbers.

The minister's response was, in the first instance, one of shock because he believed that strides were being made. To be fair, some very small level of improvement has been made, but the minister assures me that they must make greater strides in order to ensure that the Canadian forces are a true reflection of Canadian society.

Senator Oliver: Honourable senators, my very question is about those strides. The government, faced with this report, intends to make what specific strides? I would remind the Leader of the Government in the Senate of some of the quotations in the report. For example, a lieutenant in Gagetown said, "If visible minorities do not want to abide by our traditions, they should never come here." A sergeant from Val Cartier base said, "All they do" — meaning women — "is get pregnant and leave after three years; they are unreliable."

On the basis of these reports, what steps does the government intend to take to overcome these types of problems?

Senator Carstairs: Honourable senators, I am sure the honourable senator from Halifax-Dartmouth knows that the Armed Forces are, in fact, looking for great numbers of individuals to serve. There is a shortage overall of candidates applying to the Armed Forces. That shortage, in addition to overall numbers, particularly applies to visible minorities, women and Aboriginal peoples.

The honourable senator asks what the government is doing about it. I believe it is doing a number of things. One extremely visible example is an advertising program shown in theatres to attract individuals to serve in the Armed Forces. One segment that I saw not too long ago showed an Aboriginal woman serving in the Armed Forces.

I am hopeful, and I think the government is hopeful, that by using that positive advertising, by showing role models within the service who reflect members of the visible minority, women and Aboriginal people, sometimes in combination, they will attract more individuals to truly reflect Canadian society.

HEALTH

USE OF ANTIBIOTIC DRUGS IN VETERINARY MEDICINE

Hon. Mira Spivak: Honourable senators, scientists within the Bureau of Veterinary Drugs have gone public with concerns that human health is taking a back seat to the drug manufacturers' interests. The drug this time is Baytrex, an antibiotic that has been used in the United States in recent years to treat infections in poultry.

Soon after poultry producers began using Baytrex, antibiotic resistance in people soared. In 1999, more than 70 per cent of Americans who required drugs to fight infections had developed resistance to an important class of antibiotics.

Last October, when the U.S. Food and Drug Administration proposed to ban the use of two leading fluoroquinolone antibiotics for poultry, including Baytril, Appotex Laboratories withdrew its product, but Bayer has challenged it.

Here in Canada, it is alleged that a drug evaluator is threatened with disciplinary action for insisting that the manufacturer provide more data on human safety.

My two questions are about process and content. Can the Leader of the Government in the Senate tell us — if not today at some other time — if the process is dismissive of scientists' concerns. Second, can she ascertain why we are using drugs that could be harmful to humans in animals used for food, drugs that are conducive to developing superbugs impervious to antibiotic drugs for humans.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. Although Baytrex is approved in the United States, it has not been approved in Canada for use in poultry and cattle. Evaluators in Health Canada's Bureau of Veterinary Drugs have not been pressured to approve the drug, which is the reason why it has not, in fact, been approved.

The Government of Canada has made a public commitment to re-examine antibiotics in veterinary medicine, particularly to assess their contribution to antibiotic resistance in humans. That is a serious issue here. We all know that the superbugs, as the honourable senator has indicated, are very much among us. They are very resistant to certain types of antibiotics, and we do not want people to be getting these antibiotics, neither through medication when they are ill nor through the very food products to which the honourable senator has referred.

• (1430)

The standards that are being set by the Government of Canada's veterinary drug program are clear. There is a desire on the part of the people involved in the drug program to strengthen the integrity of the system to enable the department to meet new challenges, which are happening on daily basis, and to provide departments with the additional capacity to address emerging and theoretical risks such as those the honourable senator has asked about today.

Senator Spivak: Honourable senators, I thank the Leader of the Government in the Senate for that thorough answer. I hope we will have a chance to look at the review of antibiotics. Does the leader have any idea if that has already commenced? If not, when will it be commencing, or when will it be available to the public for review?

Senator Carstairs: As I understand it — and I if I do not have adequate information, I will get it for the honourable senator — the drugs are reviewed on an ongoing basis, and they are only released to the public when data indicates that they meet the requirements. If they do not meet the requirements, then that information is not released to the public. It is of no public interest because the drug has not been approved.

Senator Spivak: Honourable senators, I guess I did not understand correctly what the Leader of the Government said. I thought that there was a specific review on the concept of antibiotics in animals used as food. If not, some scientists are suggesting that the Senate look at the issue. That is helpful information.

Senator Carstairs: To complete the query for the honourable senator, there is no specific review of one particular category of drugs.

[Translation]

FINANCE

EFFECT OF CURRENT DEVALUATION OF DOLLAR ON MANUFACTURERS

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. We know that the value of the dollar is a sort of criterion, an assessment of the quality of the Canadian economy by the international community. Is the drop in the value of the Canadian dollar over the past months symptomatic of what the Prime Minister calls "The Canadian Way"?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, while the Canadian dollar is not doing as well as its sister dollar south of the border, against other international currencies the Canadian dollar is holding up quite well. That is the significant point here, that the United States has

had the ability to attract investment dollars. Other nations have not had the viability that they have had.

To give honourable senators a comparison, since January of 2000, the Canadian dollar has gone down by 7 per cent, which makes us all uncomfortable. However, during that same period, the Australian dollar has gone down by 25 per cent, the Euro has gone down by 12 per cent, the U.K. pound has gone down by 12 per cent, the French franc has gone down by 12 per cent, the German Deutsche mark has gone down by 12 per cent, and the Japanese yen has gone down by 16 per cent. In relative terms, the Canadian dollar is holding up well. I believe it reflects that our economy is also doing well.

[Translation]

Senator Bolduc: This question continues to bother me because we are still comparing the Canadian dollar with the currencies of other countries, such as the United States and Australia. Their economies are not the same as Canada's. Much of the high-end equipment used here in the manufacturing process comes from the United States. Accordingly, if the Canadian dollar drops to 63 cents, Canadian manufacturers importing American equipment that costs more will import less, which then lowers the productivity of the Canadian system. It is a vicious circle. Basically, we are using the floating rate of exchange to subsidize these people. Is it a good thing to use the monetary policy to do that? Would it not be more appropriate to use tax policy to lower taxes on corporations?

[English]

Senator Carstairs: Honourable senators, Senator Bolduc and I would have some disagreement in terms of whether or not the economy is doing well. It is true that when we wish to bring high tech equipment into the country from the United States, we pay a premium. On the other hand, when we export south of border we have the advantage of a dollar that is not worth as much as the American dollar.

Honourable senators, it is important to talk about the good news in this country. For example, housing starts are up again this month. We have doubled the American rate of increase in jobs over the last eight months. Our retail sales are stronger. They were also stronger in December even stronger than the United States. There is good news about the Canadian economy. The value of the dollar is of concern to all of us. One needs only to watch the news every night to see the concern and wonder whether there will be some pressure on Canadians internally that might have a long-term effect. Presently, however, Canada's economy is doing very well.

[Translation]

Senator Bolduc: Honourable senators, it is becoming prevalent among economists. It is indeed true that we have a floating exchange rate, that there are no wild fluctuations, that we are exporting, and that everything is proceeding normally. However, in reality, we are subsidizing manufacturers when we take this approach.

There are also some people — highly reliable ones such as Robert Mundell, the first Canadian to receive the Nobel Prize for economic sciences — who are saying that the time has perhaps come to think of another system. Either we have a pegged rate system, such as the one used in Latin America, or monetary integration, which is something that goes further, such as Thomas Courchene, one of the economists advising the government, is proposing.

Is the government beginning to have doubts about the certainty over the last ten years that a floating exchange rate is the ideal system and that things work well this way? The Minister of Finance seemed worried. He did not have his usual optimism. He is worried. It is a concern. We should ask him if he still thinks we have the best system in the world.

[English]

Senator Carstairs: Honourable senators, it is very clear that Mr. Martin is satisfied with the government's performance, as indicated in a number of statements that he has made. The assumptions that have been made to date are valid and correct in their view. Senator Bolduc has raised some other ideas today which either our Banking Committee or our National Finance Committee might well pursue. Either committee might want to learn about assumptions that occur in other nations and may want to bring forth a report to the government indicating that other assumptions should be considered.

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. While exporters are happy with a 65-cent dollar or a 63-cent dollar, what happens when the dollar hits 75 cents or 80 cents?

• (1440)

Honourable senators, our competitiveness is gone. We have become so dependent on a low dollar that if it ever turns around and increases in value, our exporting companies will be in a great deal of trouble. We are building in obsolescence. We are building in second-rate manufacturing because of the low dollar.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, while that is the point of view of the honourable senator, I suggest that the emphasis placed by the government in the Speech from the Throne on the necessity for us to invest in research and development is a direct response to the issue of our global competitiveness.

FOREIGN AFFAIRS

CHINA—HUMAN RIGHTS RECORD—EFFICACY OF GOVERNMENT POLICY

Hon. A. Raynell Andreychuk: Honourable senators, I wish to return to the issue of China that I have often raised. Throughout the years, the government's response has been that we have had a quiet dialogue with China on its human rights record and that if we assist China in developing its economic position, then the

repression that some of us have claimed goes on in China will lessen.

I have had the opportunity to scrutinize the report that the democratic centre in Montreal put forward in March pointing out that the quiet dialogue between Canada and China has not borne fruit and that China has systematically used its economic clout to silence issues of human rights at the Human Rights Commission. As a result of these conclusions, could the Leader of the Government tell me whether the government will co-sponsor or in fact take leadership with respect to any resolutions encouraging China to adhere to the international instruments it has signed in the forthcoming Human Rights Commission deliberations?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, in response to the honourable senator's question, on his recent trip to China, the Prime Minister went further on the issue of human rights than any prime minister has ever gone before, and I dare say further than any other leaders who have gone to China have ever gone before. He spoke at the National Judges College. He spoke at the East China University of Politics and Law. In each case, he reiterated the need for China to respect all basic human rights and freedoms, including the right to observe spiritual beliefs.

In addition, the Prime Minister has, through the Minister of Foreign Affairs, continued to support a number of the United Nations human rights mechanisms that report on human rights in China. Clearly, we are out in front on this issue, and that is where I believe we should be.

CHINA—GOVERNMENT SUPPORT FOR POSSIBLE UNITED NATIONS RESOLUTIONS ON HUMAN RIGHTS

Hon. A. Raynell Andreychuk: Honourable senators, I am rather surprised that the leader said that the Prime Minister spoke forcefully in China. While he indicated that Canadians expressed a concern for human rights, I was not given to understand that the Prime Minister indicated that he had serious concerns about human rights in China. In fact, the environment in which these statements were made was within an academic debate with judges at a university and not in a bilateral, face-to-face, transparent exchange with the leadership in China.

My concern is that we have said that the human rights records of all countries will be scrutinized, that Canada has an even hand on this issue and that the area of human rights is part of our foreign policy. If it is in fact part of our foreign policy, will Canada initiate, co-sponsor and support any move for a resolution against China?

I add as a footnote that most of the resolutions have been encouraging, reminding China of its responsibilities and encouraging the Chinese government to follow international instruments. These are not condemning resolutions; they are facilitating resolutions. Will Canada consider initiating sponsorship and showing leadership in this area? The consensus seems to be that the Chinese situation is deteriorating in the religious realm, most particularly with respect to Tibet.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. Realistically, when the Prime Minister of Canada goes to a foreign country and says that Canadians are concerned, surely he is speaking as the Prime Minister of Canada and therefore as one of those Canadians. To say that a prime minister is differentiating between Canadians and himself is splitting hairs to a degree that I am not prepared to accept.

In addition, the Prime Minister also spoke directly with the Chinese Premier about human rights issues. He spoke at two public events. He made clear our position on the issue of human rights. Canada is taking a leadership role in this whole area.

Senator Andreychuk: The Prime Minister has indicated that Canadians show a concern, but at the same time he has indicated that jobs are of concern to him. He went further to say that Canada, being a small voice in the field, would not have the clout to carry forward any actions. That position certainly undermines any statements on human rights.

Again, my question is that if this government has a sincere concern about human rights issues, and if human rights is part of its foreign policy, will the government initiate, co-sponsor and agree to support resolutions that show concern for the situation of human rights in China, all of this under the context of the Human Rights Commission?

Senator Carstairs: The honourable senator asks if we will initiate or co-sponsor resolutions. I cannot give her that information. I simply do not know whether we will initiate or co-sponsor resolutions. I do know that actions speak louder than words, and our actions in China in January were first-class.

SOLICITOR GENERAL

ALLOCATION OF DEDICATED RADIO BAND FOR POLICE FORCES

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. As the minister may know, the federal government is now selling and allocating radio bands for public commercial use across the country. It seems that no one radio band is being set aside or allocated to police forces within Canada so that they may communicate with each other on joint operations. Would the minister approach her cabinet colleagues to seek a dedicated radio band for all police units to use from one end of Canada to the other to ensure greater public safety?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I will try to get that information for the senator as quickly as possible.

[Translation]

NATIONAL FINANCE

REFORM OF PUBLIC SERVICE—INVITATION TO PUBLIC SERVICE COMMISSION TO APPEAR BEFORE COMMITTEE

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Chair of the Standing Senate Committee on National Finance.

Since the Speech from the Throne, a complete review of the Public Service Staff Relations Act, the Public Service Employment Act and other acts concerning the management of public affairs has been announced.

Is it the intention of the committee to invite representatives of the Public Service Commission to appear here shortly in order to discuss not only the announced reform and the comprehensive plan needed to carry out this review, but also the estimates involved? The Commission has not appeared before a committee of either the House of Commons or the Senate in eight years. Is the Chair prepared to change course by inviting the members of the Commission to appear before the Senate committee?

• (1450)

Hon. Lowell Murray: Honourable senators, the Public Service Commission was to appear before the Standing Senate Committee on National Finance in the last session. Unfortunately, it could not do so because of the elections. I am pleased to recommend to my colleagues that this invitation be renewed. However, I would point out to Senator Gauthier that we have summoned the Auditor General of Canada, Denis Desautels, for Wednesday, March 28. We will have an opportunity to discuss this matter then, since Mr. Desautels has been a strong and persistent advocate of public service reform.

[English]

Senator Gauthier: I respect the parliamentary experience of the honourable senator. However, I am not talking about that. I am talking about the Public Service Employment Act, which is something particular to this institution. It is supposed to be independent and it is supposed to apply the merit principle. It is supposed to ensure that people are hired based on merit rather than on who they know and what contacts they have. I am very interested in ensuring that this law is reviewed because it has not been reviewed for 40 years or more. I am asking for a complete review on this issue.

Senator Murray: I look forward to hearing from Mr. Serson at an early date.

FOREIGN AFFAIRS

OFFICIAL DEVELOPMENT ASSISTANCE TO FOREIGN COUNTRIES

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate who said a few moments ago that the Canadian economy is doing well. In the Speech from the Throne, the government pledged to:

...increase Canada's official development assistance and use these new investments to advance efforts to reduce international poverty and to strengthen democracy, justice and social stability worldwide.

This news is welcome, but the facts remain. Official development assistance is still at a 30-year low, dropping Canada from seventh to twelfth place among the 21 donors of the Development Assistance Committee. Our ODA is now at 0.27 per cent of GNP, even though Canada is committed to 0.7 per cent — the famous Pearson target.

Considering Canada's substantial budgetary surplus, which was built on past cuts that hit aid harder than other programs, what does the government intend to do to rebuild Canadian foreign aid? If the minister wishes to delay her answer, could she give an assurance that the government's specific plan and timetable to increase ODA will be tabled as a delayed answer?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. His figures are quite right. I am not sure whether 0.7 per cent was Mr. Pearson's or Mr. Trudeau's figure, but we are clearly falling far short of that goal. As a result of the budget last fall, it is to be hoped that we will gradually see that amount rise once again. However, I would have to provide the honourable senator with specific details by way of a delayed answer, and I would be pleased to do so.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on March 1, 2001, by the Honourable Senator Nolin.

FOREIGN AFFAIRS

UNITED STATES—MISSILE DEFENCE
SYSTEM—COMMENTS BY MINISTER

(Response to question raised on March 1, 2001, by Hon. Pierre Claude Nolin)

Canada has not yet taken a position on US plans for National Missile Defence.

The US has not yet taken a decision to deploy a National Missile Defence System nor has the US invited Canada, or any other ally, to participate in NMD.

We are encouraging the new Administration to deepen its dialogue with allies and other concerned countries — including Russia and China — and are urging them to take those views into account.

We are also urging the US to take all the time needed to fully explore the implications of a decision on NMD

deployment and to find a way forward that maintains global strategic stability and that advances the security of the US, as well as of all of its allies.

We will further engage the US on how best to address current security threats and will continue to assess the proposed NMD system.

We remain concerned about the implications of the proposed NMD system for strategic stability and the potential for it to spark a new arms race and undermine the existing non-proliferation, arms control and disarmament regime.

We share US concerns about new threats to both national and global security, including threats from intra-state conflict, from terrorist attack and from the proliferation of weapons of mass destruction.

We will need to know more about the approach that the US will take before we can take a firm position on this issue.

In Brussels, Minister Manley emphasized the need for dialogue with the US in order to influence US thinking on NMD.

[English]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—MOTION IN
AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

"Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with who we share planet earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security, can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a "common purpose" to this country to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government's blueprint for this country's future is a plan to strengthen Canada's communities, build a vibrant economy, and govern with integrity.

Strengthening Canada's communities

Canadians feel that the fabric of Canada's communities and institutions has been weakened in recent years.

Canadians' faith in their healthcare system has been shaken. Healthcare cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada's social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government's Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels.

This would restore completely the health and post-secondary education dollars cut from transfers to provinces.

- Add a sixth principle to medicare — guaranteed stable and predictable long-term healthcare funding — through legislation. Never again will a government be able to scoop billions of dollars out of health care.

- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.

- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.

- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.

- End the taxation of scholarships awarded to students in colleges and universities.

- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.

- Replace the federal Young Offenders Act with new legislation that reflects the principles of protection of the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice.

- Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

- Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners, that the new economy demands we reward investment, innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians — those least able to pay taxes — from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.

- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.

- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt — the mortgage on our children's future — within 25 years, and pay down the principal on the debt by \$25 billion over the next five years.

- Implement an annual "Red Tape Budget" detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- Work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they are elected.

My government would restore integrity to the governing of Canada by increasing the democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive "whistle-blower" legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the quality of life of armed forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us towards a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

- We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It's their money, and we want to leave it up to them to save, spend or invest as they see fit.

– Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

– We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable Members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations.”—(*Pursuant to Order adopted March 1, 2001—4 sitting days remaining*).

Hon. Erminie J. Cohen: Honourable senators, I applaud the passionate intervention of my honourable colleagues who have participated in the response to the Speech from the Throne. My leader, the Honourable Senator John Lynch-Staunton, in replying to the Speech from the Throne, indicated that the speech contained no broad vision of the future, no coherent plan — either short-term or long-term — just a list of spending initiatives on various social problems, with no details. I concur and so applaud the motion in amendment of the Deputy Leader of the Opposition in the Senate, the Honourable Senator Noël Kinsella, who presented to this chamber just such a plan with just such a vision for the future.

Today, honourable senators, I enter the debate addressing the issues of poverty, the social safety net and socio-economic development. The recent Speech from the Throne gives us a glimmer of hope that the government might at last realize that every child growing up in poverty in Canada faces obstacles beyond his or her power to overcome without help, and children in poverty cannot be helped effectively without involving their parents. Can it be said that the government is starting to understand that handing out money to the poor will not by itself solve the problems or eliminate the barriers confronted by these children and their families?

The words are there in the Speech from the Throne, honourable senators, words such as “self-sufficiency,” which seem to indicate that the direction of social policy might be changing. We all know that our social safety net philosophy, however well-intentioned at the outset, has created a welfare trap. Families living in poverty, especially those headed by single mothers, are caught in a web of rigid regulations and policies, lack of appropriate and adequate support, and false assumptions. They struggle to get through each day and end up blaming themselves for their plight.

You do not have to take my word for this, honourable senators. Recently, the Urban Core Support Network in Saint John, New

Brunswick, published a small, powerful book called *Stormy Seas*. In it, individuals in poverty told their stories, opening their hearts and minds to illuminate ours. They tell of unresponsive, guilt-inducing bureaucrats, of inadequate resources, of suffering children. Patty Donovan writes:

You hide away in the kitchen feeding your addiction to hide the pain, feeling like you have let everyone down...you do not eat when there is food so you have enough to last the month to feed the kids...defeated, low and depressed is what you feel when you look in the mirror and all you can see is 30 years of failure to achieve a goal that you didn't even know you had the right to work towards.

What have we done, honourable senators, to make a growing number of citizens so vulnerable, and why do we keep doing it? How can we look in our own mirrors and pat ourselves on the back for our successes when our own systems, beliefs and attitudes doom these families and individuals to depression, exclusion and poverty? Something must change, and the sooner the better.

Until recently, social policy was based on the model of charity, where unconditional assistance was given by communities and institutions to people who were unable to support themselves. These people lived on contributions from others who recognized their need. However, there were jobs for those who could work — a variety of jobs that demanded a wide range of skills.

Today, however, many people are poor because of social rather than personal conditions. Mechanization, new technologies and globalization — forces beyond their control — have greatly reduced their options. Their education may have been inadequate or irrelevant. There are no jobs where they live for which they are qualified, and their mobility is limited. There are few opportunities to discover their talents or to build on local assets. They may be physically, socially and economically isolated. They see no alternative to welfare or employment insurance.

Often when they try to escape the welfare system, they are faced with almost insurmountable barriers — barriers such as limited transitional support and narrow government policies that prevent them from moving forward in their lives. They have been conditioned to think that they are failures and that the best alternative is to stay home and wait for the cheque. They are doomed to an existence on the margins of society. They learn to escape from their anger, frustration and hopelessness through withdrawal, apathy, addictions, violence and crime. This is not a social safety net; it is a death sentence.

To its credit — and I say this cautiously — the government seems to be heading toward this goal of redirecting social policy and programming toward opportunity rather than oppression, toward independence and generated income rather than poverty-level paternalism. The words are there: “skilled workforce,” “youth at risk,” “literacy,” “early intervention,” “child development” and “health promotion.”

A program was mentioned in the Speech from the Throne that has demonstrated its worth and that the government seems to see as a step in the right direction. This is the highly touted Self-Sufficiency Project, which has operated in my home province of New Brunswick and in British Columbia since 1992.

• (1500)

Edward Greenspon described it well in his column in a national newspaper on February. He says that we are seeing a—

...more modern Liberalistic approach, one based not so much on saving souls as getting them back to work...the Self-Sufficiency Project is neither a big government program nor a social-justice program. It doesn't say, 'You poor victim — here's some money for your troubles.' Nor does it create some magic government course that will train single moms to become computer programmers...rather, it tries to turn the disincentives to getting back into the work force into incentives by paying out a generous, but temporary, wage supplement...To qualify, the single mothers must go out and find jobs themselves...the program provides more of a hand up than a handout.

I see here, honourable senators, a significant convergence in political philosophy. For years, those on the right of the political spectrum have been saying that a job is the best social policy. However, we have seen countless job creation programs fail to move people at the poverty level into the workforce where they can earn a living wage. Those on the left, meanwhile, have advocated to strengthen the social safety net, resulting in a system where working is actually less advantageous financially than staying at home. It has become a Catch-22 situation, where those who can and want to work — by all accounts the vast majority of social assistance recipients — cannot afford to do so. Even if there is a job that pays a living wage, there are issues such as a lack of affordable housing, health benefits, public transportation and appropriate child care which often prevents parents, especially single mothers, from entering and staying in the workforce.

Through trial and error, and experience of governments of all political persuasions, we have discovered that money alone is not enough, and that a job alone is not enough, to break the cycle of disadvantaged families and children growing up in poverty. What more is needed?

Again, honourable senators, I turn to *Stormy Seas*, the powerful little book I spoke of, for a response to this question of what more is needed, a poignant response which comes from a person who has seen the system from the bottom up. This is a poem called "Woman in Poverty."

She is on the island of Poverty looking out over the water to the island of self-sufficiency.

She wants to go there with all her heart and all her soul.

But the bridge is old, the supports are crumbling and it is unsafe.

Staying on the island of Poverty is safer than attempting to cross that bridge.

How could she possibly cross that bridge especially with all her "stuff" —

She's got her shame, her self-doubt, her fear.

Oddly enough, the heaviest items she owns are the things she lacks: Self-esteem, self-confidence, and self-respect.

Teach her how, and help her to lighten her load and leave some stuff behind.

Build a new bridge, strong, and safe, and well lit.

She needs guidance, emotional support, patience and acceptance — something she probably should have received as a child.

But her parents couldn't give what they didn't have.

And if we expect her to give these things to her children, someone must give them to her.

Or she'll stop looking across the water to the beautiful island of Self-sufficiency.

She'll lose all hope, her dreams will fade, apathy will set in.

If we don't build the bridge to break the chain, her children will...learn what they live

And someday we will be wondering how we can help them.

Honourable senators, we know what it will take to build a new bridge. We are entering the third dimension of social policy development, one which does not rely entirely on either government charity or personal responsibility. This third dimension is the bridge we are looking for. It is called socio-economic development. A job may indeed be the best social program, but to access a job, and to be successful in it, a person must have a variety of supports which create the opportunity for the individual to both earn and learn in a secure but challenging environment.

The Self-Sufficiency Project advanced the concept of socio-economic policy and programming considerably, by proving to be effective for the approximately 30 per cent of participants who received the financial incentives and were, three years later, still working. However, about 65 per cent of those who had the financial incentives were not working three years later. Yet an experiment tried with participants indicated that the success rate for finding work improved for those who received modest training in writing their resumé and searching for jobs, but many of those still lacked the work skills necessary to maintain employment.

Among other things, the Self-Sufficiency Project is proving that financial incentives work for some, incentives plus training work for others, but neither approach works for everybody. One size does not fit all. An off-the-rack socio-economic program does not fit every potential recipient any better than a suit off the rack fits every shopper. Effective programs, like suits, must be tailored to fit the needs of the customer, and no two are exactly alike.

Individual tailoring is not as difficult as it may sound. Human needs are universal and have been clearly identified. There is no mystery here. Some of the most critical needs, after basic physical ones such as food and housing, relate to belonging to, being accepted in and contributing to a community. These needs can be met through a variety of economic activities where life and work skills are acquired on the job. This is a concept which is gaining ground through a movement called community economic development, in which so-called social enterprises play an important part.

Social enterprises are run like businesses but, in addition to employment, they offer learning opportunities and support for their workers in everything from cooperative behaviors to respect for diversity, to budgeting, to decision making, to conflict resolution — the list of life skills goes on. A social enterprise straddles the line between being a non-profit supportive self-help group and being a for-profit business which pays its participants a living wage. It is a very difficult line to define, and the concept has in the past fallen through the cracks of government systems which require that programs be either economic or social, but not both at the same time.

Nevertheless, such enterprises are budding everywhere, including Saint John, New Brunswick where I live, where our Human Development Council has worked for three years to help non-profit community organizations to develop functional enterprises. It is a concept whose time has come.

We are, hopefully, seeing a shift in policy and programming away from excluding the poor, shutting them up in public housing ghettos with meaningless job creation programs or insufficient incomes which isolate them both economically and socially. Perhaps, at last, we are heading toward policy and programs which promote inclusion, generated income, independence and initiative.

I will applaud the government if it is truly heading in this direction. However, I need to be convinced of the sincerity of the commitment. I need to be convinced that the government understands what it will take to sustain the commitment. If 65 per cent of the participants in the Self-Sufficiency Project who received the financial incentives were not working after three years, then there is still a lot to do. There are still large gaps in the bridge.

There are huge and grave deficiencies in our systems. In order to fashion a strong social fabric, as referred to by the Government Leader in the Senate, we need to weave in many threads. We need much more affordable, adequate housing. We need school systems which do not fund academic assembly lines and discard all those who do not fit the mold. We need alternative programs for youth at risk who learn by doing and

have unrecognized, undeveloped, desperately needed manual skills. We need to emphasize prevention in health, parenting skills, social services and community action. We need mentors and role models who live up the street, not more professionals who diagnose the problem, tell you what bad shape you are in, and then disappear.

This is the visionary approach we wanted to hear in the Speech from the Throne. This, as my leader suggested, is what would "catch the imagination of the Canadian people — to allow them to see themselves reflected in the proposed work plan of the government."

You do not have to tell me that all of the above issues lie within provincial jurisdictions. Of course I know that. I also know, honourable senators, as do millions of Canadians, that the disengagement of the federal government from these areas has sapped the strength and diminished the resolve of many provincial governments to address the growing economic and social disparities which have gained momentum in the absence of a federal presence.

I see in the government's homelessness initiatives a possible direction for defining the roles of governments, communities and citizens in addressing the issues of poverty and exclusion.

• (1510)

The Hon. the Speaker pro tempore: Honourable Senator Cohen, I regret to inform you that your allotted time has expired. Are you seeking leave to continue?

Senator Cohen: Yes, Your Honour.

The Hon. the Speaker pro tempore: Is leave granted honourable senators?

Hon. Senators: Agreed.

Senator Cohen: Thank you, honourable senators.

To combat homelessness in urban areas, the federal government has aligned itself with community-based organizations, providing resources to those on the ground who know what is needed. Community-based organizations and citizens need to be involved in developing creative solutions that will address these issues. The provinces are being urged to accept their responsibilities to deliver the services in health, education, housing and income support for which they are mandated.

Honourable senators, this is a three-level partnership that can work, but it will take time. It will take time, patience and education to dismantle old stereotypes and attitudes. We must stop thinking of government as doing for us and start thinking about government doing with us. We must stop thinking that those of us at the street level have no power, and start thinking about our local assets and how we can build on them. We must stop thinking of the poor as useless and a burden, and start seeing them as potential contributors with talents waiting to be discovered. Most of all, we must stop thinking of them as weak. They are the strongest people I know. We need to fully involve them in our communities. All they need is a bridge and the confidence that they will be welcomed when they cross it.

Honourable senators, I urge the government to follow up on its Throne Speech with an infrastructure program, but not one constructed of the usual bricks and mortar, concrete and steel. Let us have a socio-economic infrastructure developed in partnership with communities, which creates an environment where all human needs can be met in a flexible system that puts people first. It is a strong, healthy, educated and caring people who are the greatest Canadian resource. We need them all, we want them all, and we can have them all.

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to rise today to reply to the Speech from the Throne. I should like to congratulate our new Speaker, Leader of the Government and Deputy Leader of the Government for their excellent work in their new roles thus far in the Thirty-seventh Parliament.

As a proud Canadian from Skinner's Pond, Prince Edward Island, once said, "If a person leaves this country because he wants to, that is entirely his free choice; but if he is forced to leave this country because circumstances will not allow him to pursue his honourable goals, that is another matter."

Of course, honourable senators, I am quoting Stompin' Tom Connors. Mr. Connors is famous for his devotion to Canada and his countless songs about everything that is Canadian. He is also admired for his commitment to Canadian talent and his desire to see Canadians stay and succeed at home rather than be lured by the bright lights and prospects of the United States. During Stompin' Tom's rise to fame in the early 1970s, he witnessed, with frustration, much Canadian talent leave this country to pursue their dreams south of the border.

Honourable senators, it has become more apparent, and the Speech from the Throne supports this, that the Government of Canada is committed to assisting Canadian talent and is putting in place the mechanism by which young people in Canada can stay, learn and eventually work in this country. Not only is Canada blessed with an abundance of natural resources, but it is blessed with an abundance of bright young minds that are eager to develop into proud, contributing Canadians. Young people today realize that this country has much to offer. They are growing into adults with a will and a determination to remain Canadian. Now, with the federal government committed to creating opportunity and investing in skills and learning, young minds are being told that they are wanted.

Ensuring that Canadian talent stays in Canada will not be an easy task, however. We need to ensure that graduates receive sufficient incentives to stay in the country after their schooling and that accessible post-secondary educational facilities exist in Canada that meet the needs of students in the 21st century. To this end, I am aware of two major concerns.

First, tuition fees at universities have risen to unaffordable heights for many potential students. We can only guess at the number of qualified, ambitious and bright individuals who turn away from pursuing higher education due to inflated tuition costs.

In my home province, the University of Prince Edward Island has seen its tuition fees double in the past 10 years, making advanced learning impossible for many eager young Islanders. Graduates of the university system today are saddled with debt loads higher than many mortgages. Many graduates who have pursued advanced or second degrees such as doctoral studies are faced with accumulated student loans approaching six figures — a daunting hole to climb out of before a paycheck is even received.

The millennium scholarship fund, a recent federal initiative, has relieved some of the burden on many students by reducing overall debt loads. I am hopeful that the government's commitment to creating opportunity and intent to invest aggressively in the skills and talents of its people will result in further progress being made in the area of educational affordability.

Second, and related to this aspect of higher education, is the matter raised by the Honourable Senator Moore. Universities today are battling with the costs of accumulated deferred maintenance. Across the country, buildings, infrastructure and equipment are in desperate need of repair and replacement to the tune of \$3.6 billion. In an effort to keep up with technology, maintain faculties and halt tuition increases, among a host of other financial commitments, post-secondary institutions have suddenly found themselves confronted with the silent killer of accumulated deferred maintenance. In many cases, buildings are in disrepair, are not up to code in regard to fire safety or disability access, and do not have the adequate technology to meet the demanding needs of today's students.

To make the best use of the research dollars and grants provided by the government, we need to ensure that adequate facilities are in place to house the students to conduct their research. We would not invest hundreds of thousands of dollars in the purchase of new books if we did not have a library in which to store them. The same is true of our research dollars. Though research funding is much needed, appreciated and well intended, we must not overlook the facilities in which the research takes place.

As Senator Moore has stated, honourable senators, this crisis of deferred maintenance is national in character and should trigger the interest and duty of the federal government. I am hopeful that the commitments to research contained in the Speech from the Throne encompass this matter of educational institutional maintenance.

Honourable senators, I should like to make one more point on the federal government's investment in research and opportunity. There was a day when Canada's natural resources sustained entire economies and the various regions of this vast country played host to lucrative industries. With resources dwindling and with the 21st century heralding a new era of technological industry, these old economies are no longer capable of supporting entire regions. We see it regularly on the East Coast, for example, with fishing quotas being adjusted to reflect dwindling stocks, prices rising and falling in various markets, and moratoriums placed on the issuance of new licences.

The federal government has recognized the downturn in certain old economies and has made concerted efforts to provide new ways of living in the new economy. The Atlantic Investment Partnership is one example. Though work still needs to be done in administering this much needed funding, it confirms the government's commitment in the Speech from the Throne to strengthen the capacity of all Canadians to compete in the global, knowledge-based economy. If Canada is to become one of the top countries for research and development performance by the year 2010, as the Speech from the Throne intends, we cannot have one-third of the country unable to hold up its end of bargain. This measure is an excellent one, telling Atlantic Canadians that they will not be left behind as the country sets out on this new, ambitious road.

• (1520)

Honourable senators, I was also pleased to hear in the Speech from the Throne that the government will be working with the United States to maintain secure and efficient access to each other's markets. In the global economy, unhindered access to our closest and biggest trading partner is a necessity. Indeed, a highly permeable border with the United States is a right that Canadian exporters have come to expect and depend on. When Canadian goods are denied access, immeasurable problems arise.

Here honourable colleagues, I need only mention the word "potatoes" as one example. The unilateral action maintained by the United States over the past five months, with its arbitrary refusal to allow tested and cleared P.E.I. potatoes across its border, has resulted in the spoilage of millions of perfectly good potatoes and the hardship of countless Islanders in various industries. It is this type of heavy-handed border control that must be curbed if we are to avoid future catastrophes in our key industries. To ensure that our Canadian and regional economies continue to thrive, we must ensure that the heavily relied upon U.S. market remains accessible to Canadian products.

Honourable senators, I believe that the Government of Canada has truly grasped the defining issues of the day for Canadians. As emphasized in the Speech from the Throne, support for children and families is a fundamental issue that must be addressed. Sadly, family well-being often takes a back seat to economic and financial concerns, including job creation. In recent years, a shift has been evident and the broad realization made that our children's well-being is inherently linked to economic growth. To ensure a bright future for Canada, we must nurture the seeds of today.

To this end, it appears that the government is well poised to continue strengthening the family ethic with commitments to the National Child Benefit and the Early Childhood Development Initiative. The government has promised to increase its contribution to the National Child Benefit over the next four years and to invest more than \$2 billion in the Early Childhood Development Initiative over the next five years. These programs see to it that the future builders of the country get off to a good

start and make it easier for parents to provide the necessities of life for their families.

Also adding to the wonderful quality of life that we enjoy in Canada will be a healthier society predicated on disease prevention rather than disease treatment. It is, unfortunately, quite easy in the world today to be negligent in regard to our own personal health. Many Canadians lead sedentary lives with little physical activity and little impetus to pursue healthy living and eating habits. Our advanced world provides quick and easy foods, and quick and easy transportation. The industrial and technological revolutions remove many of us from the labourious and agrarian lifestyles that kept our ancestors in such good health. Today, many of us must make concerted efforts to lead active lifestyles, but the benefits of doing so are becoming increasingly documented.

I fully support government intentions to champion community-based health promotion and disease prevention measures, including encouragement of physical fitness, the reduction in substance abuse, and the promotion of mental health. Healthy living helps prevent the onset of certain diseases, and is an initial step to ensuring a functional and effective health care system.

Honourable senators, hand in hand with our quality of life in this great country is the quality of the environment in which we live. We need to act now to ensure the preservation of our great supply of fresh water for future generations; we need to work determinedly to reduce the emission of ozone-depleting substances in the atmosphere; and we need to ensure that the many wonderful, natural spaces of Canada are maintained and preserved. For what use are our efforts in raising healthy, active and happy children in secure family settings when the world they inherit has air that is unfit to breathe, water unfit to drink and natural spaces that have been developed to the exclusion of wildlife? If our efforts as trustees of this world are to be productive and beneficial for the children of today and tomorrow, we have to see how quality of life is not merely dependent on one aspect of life, but is rather intertwined with, and dependent on, many factors.

In conclusion, honourable senators, as I am sure all of you will agree, there is much work to be done in this country if Canadians are to realize the full potential of this great land. The Government of Canada has set its course, and I believe that we are headed in the right direction. As parliamentarians, we are in the privileged position of being able to help steer the ship. I look forward to working with my honourable colleagues toward the achievement of the above goals and many more over the months to come.

Hon. Ethel Cochrane: Honourable senators, I should like to make a few remarks in response to the Speech from the Throne. My focus is not on what was said in the speech, which was pretty much a repetition of selected parts of the Liberal Party's campaign Red Book; my emphasis, rather, is on what has been left out.

There is no indication that the government is planning any significant action on some of the major issues that concern Canadians, such as homelessness and health care. I know that the government reached an agreement with the provinces last fall on increased funding for health care, but we are still faced with the problems of waiting lists for medical care, a shortage of hospital beds, and shortages of nurses, doctors and technicians. Senator Cook alluded to that in her address. People in rural areas of Canada still find it increasingly difficult to attract and retain medical personnel.

The Speech from the Throne did not promise us a budget. In fact, the Minister of Finance and the Prime Minister have promised us that we will not have a budget this month, and possibly no budget at all for the rest of the calendar year. The annual February budget is where we might have expected the government to address some of Canada's more urgent spending promises and priorities.

That brings me to two particular concerns that I would draw to your attention today. The first is funding for our national parks. On June 28, 2000, the Minister of Canadian Heritage appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources. She was there to inform us about Bill C-27, respecting the national parks of Canada. Senator Kenny questioned the minister about the budget for Parks Canada and she replied:

...there has been a 25 per cent cut in the Parks Canada budget... I have been making strong representations, as has the Prime Minister in the last number of months, for an increase in the parks budget... If we are growing the parks system — and we have had two electoral commitments to complete the parks system — then if you do not grow the pot, the capacity to support every park will be diminished. We are working now to have input into the budgetary process in February... I am working very hard to ensure that this is expressed in the upcoming budget.

• (1530)

Honourable senators, now we are told that there will be no February budget, nor any budget any time soon. We have no undertaking in the Speech from the Throne to replace the budgetary process. There are plans to create several new national parks and we will soon be receiving legislation to establish a process for creating marine conservation areas. However, we have no indication that the funding will be there for these new additions to the parks system or to properly operate the existing national parks.

The infrastructure in our national parks is deteriorating at an alarming rate. Roads, bridges and buildings are crumbling. In an interview with the *Toronto Globe and Mail* published on January 22 of this year, the head of Parks Canada Agency, Mr. Tom Lee, said that the existing national parks need \$1 billion over the next five years just to correct the present state of disrepair. Some structures have deteriorated so badly that the agency has been forced to close them or tear them down.

The article by Mr. Tom Lee in *The Globe and Mail* offered some examples:

Last year, a bridge on the heavily used West Coast Trail at Pacific Rim National Park...broke, and people on it fell into the gully below...

As well, in the past year, the agency had to tear down part of a building at the 18th-century fortress of Louisbourg on Cape Breton Island...Part of the fortress...had become so shaky that it was even a hazard to people outside it...

A water and sewage treatment plant in Jasper National Park in Alberta spews out effluent more contaminated than standard levels...

In addition to the physical decay, honourable senators, there are serious ecological problems. The same *Globe and Mail* article cites a report on Jasper's ecological security last year which "found that some species meant to be protected in the parks were dying out there instead."

Honourable senators, Bill C-27, the national parks bill, which we passed last fall, included a commitment to preservation of the ecological integrity of the parks. The head of the Parks Canada Agency says the existing parks desperately need an additional \$1 billion over the next five years just for necessary repairs. The Minister of Canadian Heritage, when she appeared before our committee last June, renewed the government's commitment to expanding the parks system and told us she had been strongly arguing for more funding. She said that she had the support of the Prime Minister.

In light of all that, it is very disappointing to find that there is no commitment in the Speech from the Throne to address funding the parks system and no prospect of a budget that might fulfil the minister's expectations.

In the Supplementary Estimates tabled earlier this March, I did note an allocation of an additional \$78 million for the Parks Canada Agency. Most of that money, however, is earmarked for land acquisitions and increased operating costs. Only \$17 million is set aside for "investments in capital assets to address critical requirements." Assuming that this is intended for repairs to infrastructure, it amounts to just over one-half of 1 per cent of the \$2.6 billion in new spending that is included in the Supplementary Estimates. That drop in the bucket falls far short of the \$1 billion that the head of the Parks Canada Agency says is urgently needed for repairs.

Honourable senators, I know that the Leader of the Government told us in her speech on February 21 that "New parks will be created and existing ones will receive greater funding." I was pleased to hear that, but that statement falls far short of budgetary commitment. I repeat that Mr. Tom Lee, the CEO of the Parks Canada Agency, says that the parks need an additional \$1 billion just to deal with the necessary repairs to existing facilities now.

The second concern I wish to address is the formula for calculating equalization payments. In his reply to the Throne Speech on February 20, Senator John Lynch-Staunton suggested that the equalization formula should be re-examined with a view to allowing have-not provinces keep a larger portion of oil and gas royalties, at least for a few years, to spur development of their economies.

That should perhaps apply not just to oil and gas but to the development of other non-renewable resources. I know that part of the problem in Newfoundland and Labrador's negotiations over the development of the mining resources at Voisey's Bay has been the clawback of potential provincial royalties under this equalization formula.

The Minister of Industry raised this issue last year when he was still Premier of Newfoundland and Labrador. I hope that now that he is back in the federal cabinet, he will continue to be sympathetic to this idea and speak up for it at the cabinet table.

Earlier this month, the Premier of Nova Scotia, John Hamm, was in Ottawa to promote a better deal for the have-not provinces in the treatment of non-renewable resource revenues. He pointed out that for every dollar Nova Scotia receives in oil and gas royalties, 81cents is clawed back in reduced equalization payments. Nova Scotia, just like Newfoundland and Labrador, is receiving little benefit from its natural resources.

There is a clear precedent for a different treatment of resource royalties. In an interview with a *National Post* reporter on February 8 of this year, Mr. Hamm said:

From 1957 to 1965, Alberta received equalization from Ottawa. The energy industry there was in its early years, just as Nova Scotia is now. The major difference was that at that time, Alberta received 100 cents of every royalty dollar. Ottawa didn't claw that money back through other programs such as equalization.

Alberta received considerable support in the development of its economy during the early years of energy production by keeping all of its royalties while still receiving equalization payments.

In the 1980s, the Royal Commission on the Economic Union and Development Prospects for Canada produced a number of research studies in addition to its report. One of these studies, entitled "Federalism and the Economic Union in Canada," by Professors Kenneth Norrie, Richard Simeon and Mark Krasnick, included an examination of the equalization system. They reported on some of the changes in the equalization formula over the years.

The first formal equalization program was from 1957 to 1962. It was based only on personal and corporate income taxes and succession duties. Alberta qualified as a have-not province. In fact, only Ontario did not receive equalization payments.

The report stated that from 1962 to 1967, 50 per cent of provincial resources revenue were added to the equation. Alberta

and B.C. became "have" provinces. That continued, with some changes, until 1982.

In 1982, 100 per cent of resource royalties were included in the formula, but Alberta was excluded from those calculations. The new equalization calculations were based on the revenues of Ontario, Quebec, Manitoba, Saskatchewan and B.C. Leaving Alberta out of the formula substantially reduced equalization entitlements for other provinces. The authors of this report concluded:

• (1540)

Oil and gas revenues are effectively eliminated from equalizations by virtue of excluding Alberta from the base. This means that there is no equalization of this substantial revenue source, contrary to the principle that provincial revenues should be fully or at least partially equalized.

The position of the "have-not" provinces with respect to oil and gas revenues is especially anomalous. Any revenues that the Atlantic provinces might get from this source would count as revenue and would cause their equalization entitlements to be reduced accordingly....There is an obvious disincentive effect here. But there is also an apparent injustice in that they would not get to share, via equalization, in Alberta's oil and gas revenues but would get taxed completely on any of their own that they managed to generate.

Honourable senators, the study was published in 1986. Now, some 15 years later, we have arrived at precisely the situation that these authors foresaw. I think it is regrettable that this issue was not placed on the agenda in the Speech from the Throne, but I do hope the government is paying attention to the case being made by the Premier of Nova Scotia, by the Leader of the Opposition here in the Senate, and others.

On motion of Senator Robichaud, debate adjourned.

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Mahovlich, for the second reading of Bill S-19, to amend the Canada Transportation Act.—(*Honourable Senator Callbeck*).

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to rise today to speak to Bill S-19. First, I want to commend Senator Kirby for bringing this piece of legislation to the floor of this house.

It is obvious to many air travellers today that a great power imbalance exists between the major air carriers in this country and the individual passenger. This bill is a necessary start toward levelling the playing field.

Although I firmly believe that more competition is necessary to truly provide the type of service that Canadian air travellers demand, this private member's bill will ensure that Canadians can make informed decisions from the choices that currently exist in the airline industry. As with any other product or service in the marketplace, Canadians have a right to know the benefits and advantages of choosing one over the other. This bill will reveal to travellers, in an easily understood format, the quality of service being currently offered by the competing airlines by reporting on the following aspects of customer service: flight delays, mishandled baggage and flight overselling.

In a heavily dominated industry, consumers often choose the product or service that is the most visible or familiar. The airline industry in Canada these days is no exception. Air Canada controls over 80 per cent of the domestic market. It is easy to see how the average consumer may feel that a choice does not exist. However, this bill will not only inform consumers about the performance of the various airlines, it will also make travellers more aware of the alternatives in the industry. The smaller carriers will have their successes and failures displayed alongside those of Air Canada, similar to the display of information currently available on the U.S. transport Web site.

Though at first glance this regular report card may be viewed by the airlines as burdensome or revealing, the public release of this information can ultimately work to the airlines' benefit. If Air Canada, for example, can successfully live up to its promise of improved service, it will have the advantage of hard data for support. Canadian consumers can verify the claims made by the various carriers by checking the confirmed results on the Internet. In this manner, blanket statements that "customer satisfaction is up 15 per cent" will be subject to scrutiny and will need to be supported by the numbers.

Honourable senators, I conclude my remarks today by indicating my support for Senator Kirby's bill and I urge all of you to lend your endorsement to this initial step in making the airlines more accountable to consumers.

On motion of Senator Kinsella, for Senator Forrestall, debate adjourned.

PRIVACY RIGHTS CHARTER BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finestone, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-21, to guarantee the human right to privacy.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, in rising to speak at second reading of Bill S-21, I should like to frame a few remarks within the context

of the principles of privacy which find expression in some human rights instruments of great import.

Honourable senators will recall that the Canadian Charter of Rights and Freedoms does not contain a provision to recognize the right of privacy. That comes as a surprise to students of human rights. They assume that our constitutional Charter of Rights and Freedoms would clearly provide for the protected right of privacy. The fact of the matter is, it does not. In order to find our cornerstone — that is, the granite or the rock upon which it is important to build the right of privacy — it is necessary for Canadians to remember our great common-law tradition and perhaps to examine the many judgments of our tribunals throughout our history, which have established a significant body of jurisprudence that establishes the right of privacy for Canadians.

We are in a legislative chamber, and it is with regard to the legislative protection of privacy that my honourable colleague Senator Finestone has laid before this house the proposition that we enshrine in statutory law the protection of the privacy of Canadians.

If honourable senators feel the need of some concrete support to allow for a fair margin of comfort in considering whether to enact a statute giving statutory protection to the right of privacy, we need turn no further than Article 12 of the Universal Declaration of Human Rights signed by Canada on December 10, 1948. Article 12 of the universal declaration provides that no one shall be subjected to arbitrary interference with his privacy, and that everyone has the right to the protection of law against such interference or attack.

• (1550)

Therefore, honourable senators, there is the universal standard that recognizes privacy as a human right. Although some individuals feel that the universal declaration is merely a statement of principle, most would argue that nowadays, because the universal declaration has been cited so often in national constitutions, in decisions of tribunals in countries around the world, countries representing every system of government, every political ideology, the Universal Declaration of Human Rights has acquired a unique authority. It has become part and parcel of the corpus of international law to which we, as Canadians, subscribe.

Notwithstanding that, in 1976, with the written agreement of every premier in Canada, Prime Minister Pearson wrote to all the premiers pointing out that a new treaty on human rights was available for ratification by Canada, but that Canada would only ratify this treaty on human rights if all the provinces agreed. Prime Minister Pearson was recognizing the constitutional convention in Canada concerning matters that affect the provinces. The federal authority would not subject Canada to those norms unless the provinces agreed. By 1976, every Premier in Canada wrote to the Prime Minister and stated that they agreed that Canada ought to deposit the instrument of ratification of the International Covenant on Civil and Political Rights.

Honourable senators, it is interesting that here we had the written unanimous agreement for a standard of human rights that, in terms of coverage, exceeds our Charter of Rights and Freedoms. Why those who are engaged in the constitutional patriation process in the early 1980s, and the drafting of the Charter of Rights and Freedoms, did not build upon that written agreement is an interesting footnote for students of constitutional history of Canada. The fact of the matter is that all jurisdictions agreed in writing that Canada would ratify the International Covenant on Civil and Political Rights.

I draw your attention to article 17 of that treaty that binds us as Canadians. It sets out in clear language that we, as Canadians, bound by international human rights treaty law, recognize and accept the right to privacy. Article 17 reads:

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Honourable senators, right in our treaty obligation we have the recognition of the right to privacy, as well as the obligation that Parliament will take steps to promote and protect the right of privacy. That is explicitly stated in article 2 of the same covenant, which reads:

...each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant...

Honourable senators, Senator Finestone is giving us the opportunity to fulfil that obligation, to have a legislative framework within which the right to privacy of Canadians can be secured. Nearly every country in the world recognizes the right to privacy explicitly in their constitutions. Unfortunately, we do not in Canada. For that reason alone, it seems to me that this is an excellent opportunity that is being given to us by this bill proposed by Senator Finestone.

Let me conclude by acknowledging that Canadian courts, in interpreting section 8 of our Charter which grants the right to be secure against unreasonable search or seizure, have recognized an individual's right to a reasonable expectation of privacy. We have important federal statutes in Canada, such as the Access to Information Act, the Privacy Act and respective commissioners of privacy provided for by those statutes, and in many provinces there is privacy legislation. I can point out that the legislation in Quebec has been pioneering in granting individuals a right to access to personal information held by private sector business operating in that province. This law also regulates the collection,

confidentiality, correction, disclosure, retention and use of personal information in the private sector.

Nearly every province has some sort of oversight body, but their powers vary. We also recognize that certain sections of the Criminal Code are specific to circumstances where privacy is the crux of the matter, and that such statutes as the Telecommunications Act, the Bank Act, the Insurance Companies Act and the Young Offenders Act have sections which touch upon the issue of privacy.

In the bill before us we have an overarching articulation of privacy that, in my judgment, fits in nicely under the umbrella that is afforded to us, not by our Constitution but by our international obligation. I believe that the committee to which this bill is referred for detailed examination will be responding to an important legislative need that can be responded to and filled by a statute such as this. Therefore, I am pleased to support the bill.

On motion of Senator Robichaud, debate adjourned.

FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Terry Stratton moved the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

He said: Honourable senators, it gives me great pleasure to lead off the second reading debate on Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

The short title is easier and simpler to read: the Federal Nominations Act.

• (1600)

This is the first bill I have introduced in the Senate since coming here. While I have chaired committees, been involved in special studies by committees and been lead critic on a number of bills on our side, I commend the experience to those senators who have not been involved in the preparation of a bill for presentation in this place. It is a unique experience to see ideas take shape on paper and transform into legalese and finally into statute form. There is then an exchange of ideas between the senator and the legal draftsman, and in the end a bill appears, one which may be presented in Parliament. We in the Senate are exceedingly well served by Mark Audcent, our Law Clerk and Parliamentary Counsel.

Why am I doing this, honourable senators? I believe that Parliament has essentially been neutered by two events that have made the other place and the Senate far less dynamic and critical in the eyes of Canadians — and it shows.

The first event is the management of the affairs of Parliament by the Prime Minister's Office and by three Prime Ministers starting with Pierre Trudeau, followed by Brian Mulroney and continuing today with Jean Chrétien. Management has made the backbenchers in the other place no more than puppets who stand up when called on to vote. This is magnified by the fact of having virtually no effective opposition.

The second event, the Charter of Rights and Freedoms, has made the Supreme Court of Canada all-powerful. The court, not Parliament, has the final say in determining the laws of the land. Yes, one can argue that we have the "notwithstanding" clause, but it has not been used by any government, to my knowledge.

Honourable senators, it is time to bring some sunshine into the appointment process to ensure transparency and objectivity in the selection of individuals to be appointed by Order in Council to certain high public positions in Canada, particularly the Supreme Court of Canada. One may ask why the Senate of Canada, an appointed body? I say why not? If not us, who then? Why should we not re-establish for now, in a small way, our role in determining the players in the game, even though that role is advisory? Remember that the PMO is now deliberately leaving this place, the Senate, out of legislation. That is how powerful they have become.

Honourable senators, this bill establishes in statutory form a committee of the Queen's Privy Council for Canada to develop public criteria and procedures, to devise a process to identify and assess candidates and to provide for parliamentary review of these appointments through appearance before the Senate Committee of the Whole.

The idea for this bill had its origins for me as I sat in the audience in Winnipeg last year listening to my leader in the Senate, Senator John Lynch-Staunton, talk about parliamentary reform. His emphasis at that time, and I am sure still is today, is that while people talk at length about Senate reform, they ignore the real problem: that Parliament, the House of Commons and the Senate are becoming increasingly irrelevant as more and more power becomes concentrated in the Prime Minister's Office. Here, I am referring specifically to the power of appointment possessed by the Prime Minister.

Borrowing a few paragraphs from Senator Lynch-Staunton's Winnipeg speech, the Prime Minister has powers that make him the envy of other leaders of government, not the least of whom is the President of the United States. The Prime Minister chooses the cabinet without any vetting process such as the President of the United States has to endure. He chooses every deputy minister of every department, who are responsible to the Clerk of the Privy Council, who in turn reports directly to the Prime Minister. Guess who appoints the clerk?

Honourable senators, the Prime Minister appoints all Supreme Court and other federal judges. He appoints heads of Crown corporations. He appoints directors of these corporations and all other government agencies. He appoints the head of the RCMP. He appoints the Chief of Defence Staff and immediate associates.

He appoints ambassadors and other senior representatives abroad, and of course he appoints members of the Senate.

Perhaps, even in a small, modest way, this bill represents the beginning of an attempt at reforming our parliamentary process so that the power is shared and not as concentrated in one location as it is now.

While the idea of this bill may be new, the concept of some parliamentary involvement in Order-in-Council appointments is not new. Senators who have been members of the other place or who have been here for a while may remember the 1985 report of the Special Committee on the Reform of the House of Commons, a committee chaired by the Honourable James McGrath. During the 1984 federal election, scrutiny of appointments became an issue. Chapter 5 of the special committee's report is an attempt to offer solutions to the issues of transparency and review. The chapter reveals the difficulty that the committee had coming to grips with this subject. How does one balance the prerogative of government with the scrutiny and the exercise of those prerogatives? That was the question.

The report deals at length with the pitfalls of the American system but also with the benefits achieved with some level of ensured parliamentary, or in the case of the United States, congressional, or senatorial scrutiny. The committee lists as criticisms that there are too many such appointments that in theory could be scrutinized. The thoroughness and intensity of the scrutiny varies from committee to committee in the U.S. Senate. Supposedly qualified people are discouraged from offering themselves for public office because of the possibility of the scrutiny and the spotlight that is focused on them during the confirmation process.

The House of Commons special committee accepted these as potentially valid criticisms, with the hope that by recommending a mixed process of scrutiny for some appointments and confirmation for others there would be more consultation by government before appointments were made and more openness in the process.

The committee set out various processes for reviewing a great number of Order-in-Council appointments. However, when these recommendations were translated into the House of Commons *Standing Rules and Orders*, members found that there were too many appointments being referred for scrutiny, and these appointments were not the ones where scrutiny would be really helpful. The process envisaged by the McGrath committee never worked all that well.

Honourable senators, the bill I presented last week attempts to address some of the shortcomings of the McGrath recommendations by putting in place a process that would involve meaningful scrutiny of a few senior positions based on order of precedence. We are trying to make this a manageable process, and when it is successful, we can add other positions later. We are starting with a small number deliberately, by order of precedence, and adding later upon success.

Turning to the bill itself, clauses 3 through 5 would establish in statutory form a nomination committee of the Privy Council cabinet. It is to be composed of the president and such other members of the Queen's Privy Council as are nominated from time to time. It becomes, in reality, the selection or nomination committee for the Order-in-Council appointments listed in the bill.

This committee, under clause 6, is to develop and publish criteria for the positions in question. Clause 7 allows the committee to seek out and to assess potential candidates for each position listed in the schedule and to make recommendations to cabinet.

Clause 8 requires ministers, when intending to fill a listed position, to choose from among candidates recommended as eligible. Clause 9 requires the minister who recommends an appointment for a listed position to give notice in both Houses of Parliament or by publication in the *Canada Gazette*.

Clauses 10 through 12 provide for parliamentary review. Here the class of nominees has been divided so that the Senate is not required to deal with all federally appointed judges, only the ones it wants to hear. However, for the positions listed in Part 1 of the schedule attached to the bill there would be review provided an invitation was issued by the Senate during the allotted time period.

• (1610)

I decided that review in Committee of the Whole by the Senate was preferable to any other alternative. The Senate is less political than the House of Commons, represents the regions of Canada and has proven in the past to be very effective when dealing with federal officials appearing in the Committee of the Whole, especially in relation to their annual reports.

Clause 11 provides that appointments that need to be made in a hurry can be made, where the delay of a Senate hearing would be harmful, in order that the Crown prerogative is not interfered with. However, even in this case, a hearing can be held after the appointment is made.

Clause 13, the last clause of the bill, establishes that ministers of the Crown are only to recommend an individual for an appointment covered under this bill only if the nominations committee has recommended the individual for appointment; the individual has attended, if invited, a hearing before the Senate Committee of the Whole; and each House of Parliament has sat for seven days following the hearing, giving Parliament time to comment on the appointment.

The criteria are public; the nomination is public; the process is transparent; and Parliament, through a televised hearing in the Senate Committee of the Whole, is given the opportunity to question the person. The person becomes whole; there is a face attached to the name; there is a personality attached to the face.

I know there are many here, including some on this side perhaps including Senator Beaudoin, who would be against this type of scrutiny for Supreme Court of Canada appointments. Not being a lawyer, not being part of the club, I believe otherwise. I read and thoroughly agree with Professor Jacob Ziegel's arguments contained in a June 1999 Institute for Research on Public Policy publication entitled "Merit Selection and Democratization of Appointments to the Supreme Court of Canada." It is Professor Ziegel's opinion and, indeed, the opinion of many others, that the Supreme Court's role in public policy-making, especially since the Charter of Rights and Freedoms, is so crucial that the public is entitled to know about the beliefs of the men and women who are to be appointed to this court. As Ziegel points out, those who offer themselves to public office by running for the House of Commons in a general election have their beliefs and backgrounds displayed openly for all to see, and they do not have anywhere near the kind of influence Supreme Court judges have on public policy. Think about that.

The purpose of this bill is to move us toward parliamentary reform. It counters the centralizing tendency of the PMO and lets sun shine in on the Order-in-Council appointment process for a limited number of positions that can be added to later.

I look forward to discussions on this bill and to hearing witnesses in committee.

On motion of Senator Banks, debate adjourned.

DEFERRED MAINTENANCE COSTS IN CANADIAN POST-SECONDARY INSTITUTIONS

INQUIRY—DEBATE ADJOURNED

Hon. Wilfred P. Moore rose pursuant to notice of January 31, 2001:

That he will call the attention of the Senate to the emerging issue of deferred maintenance costs in Canada's post-secondary institutions.

He said: Honourable senators, in the recent Speech from the Throne the government referred to the need for aggressive investment in the skills and talents of Canadians if this nation is to continue to prosper. If we are to take full advantage of the new knowledge economy, we must develop and maintain a steady stream of intelligent young men and women able to exploit its unprecedented opportunities. A key element of this is our system of post-secondary education, and our universities in particular. Our universities provide both an education for successive generations of students and a venue for research of national and international importance. From environmental research to telecommunications, to unlocking the mysteries of the human genome, our universities are in the forefront of the technological revolution benefiting Canadian industry and society as a whole.

Unfortunately, if these institutions are to continue to play this role, they must update and, in many cases, rebuild their deteriorating infrastructure. To do that they require assistance. The fact is that Canada's universities are reaching a crisis point — "a point of no return," as one study describes it — beyond which they will be physically unable to accommodate the needs of students. To avert this crisis will require aggressive investment indeed.

Like so many of our public institutions, Canadian universities were utterly transformed by the demographic changes that took place in the wake of the Second World War. Starting in the early 1960s, the influx of baby boomers strained the resources of universities as they struggled not just to educate but simply to accommodate this flood of new students. Inevitably, universities met that challenge by undertaking construction programs on their own campuses, building scores of new residences, classrooms, laboratories and other facilities at unprecedented speed to meet increased demand.

With the increase in energy prices in the 1970s and the ensuing era of recession and government restraint, there was little money for capital improvements, and what money there was often went toward new structures rather than the initially desired maintenance of existing facilities. As a result, that maintenance was deferred until a later date. Unfortunately, continued shortages in funding meant that, for many universities, that date kept being pushed farther and farther into the future as the maintenance went from desirable to essential to critical.

The legacy of that state of affairs is with us today as the buildings constructed during the boom years approach the end of their useful lives. To be sure, Canadian university campuses are not crumbling ruins. Yet, in a way, that is part of the problem. The deterioration tends to be invisible, or at least inconspicuous, tempting one to think that the problem is not yet serious. However, overcrowded classrooms and worn out ventilation systems will not heal if left on their own. If we are to enjoy the benefits of a first-class education system, we must be prepared to support that system, and support entails investment in everything from high-speed data links to roofs that do not leak.

Honourable senators, the scale of the problem is daunting. As I mentioned in a previous speech, the Canadian Association of University Business Officers produced a study on this issue last year in which they conservatively estimated the value of the accumulated deferred maintenance nationwide to be in the neighbourhood of \$3.6 billion. This equals a replacement value of all universities in Atlantic Canada combined. Think of it. Merely to wipe the slate clean, to catch up on those repairs that have been put off, would entail the equivalent of rebuilding the universities of four provinces from scratch. At least one university president has remarked that "it may well be the single biggest challenge in the years ahead for universities right across Canada."

• (1620)

The man who made that remark is the immediate past president of my alma mater, St. Mary's University, where I serve on the board of governors. I can speak from personal experience about the problems our university faces. For example, our largest residence building has deteriorated to the point where we had to do something. The options were obvious: demolition and construction of a new facility; removal of the uppermost stories and refurbishment of the remaining structure; or, complete renovation of the existing structure. The most economical decision was the last option. Therefore, we are in the throes of renovation.

The cost of that project alone is \$25 million. However, funding for that project was not within our budget. St. Mary's prides itself on always balancing its books and never deficit financing. However, I can tell honourable senators that this experience has been quite a shock to our system. We sought funding proposals for this project and accepted the best of those offers, one which has most strenuous conditions. Honourable senators, this residence project has been a real wake-up call, not just for St. Mary's but for post-secondary institutions throughout Atlantic Canada and, indeed, across our country.

Obviously, this deterioration cannot be allowed to continue. First, campus infrastructure will eventually reach the point where it is unusable. As the Association of Universities and Colleges in Canada stated in a brief last autumn:

The list of negative consequences of deteriorating physical infrastructure is extensive: greater health and safety concerns, less space available for classroom or laboratory use, improper research infrastructure can hamper the ability of students to learn on specialized equipment or other learning tools, dilapidated on-campus housing can disrupt the day-to-day living conditions of students, lack of access ramps can be an impediment for disabled students, faculty may be discouraged from continuing to work at the university, and so on.

Second, we have yet another demographic surge as the children of the baby boomers, the so called "echo" generation, reach university age. It is estimated that there will be a 20 per cent increase in university enrolment over the next decade, a sobering thought given the stress that the current levels of enrolment are placing on the system.

What is the solution? The short answer, honourable senators, as it often is, is money. The scale of the problem is such that it cannot be solved by simply rearranging existing university budgets. It will require substantial additional investment over and above what universities currently receive. Again, the CAUBO estimate is \$3.6 billion. This cannot be a one-time bailout operation. A short-term construction program helped bring about the current situation in the first place. Whether through federal, provincial or private effort, and most likely a combination of all three, a comprehensive effort must be launched to reverse the decline of recent years and ensure that it is not repeated.

In closing, honourable senators, the state of infrastructure on our university campuses is a depressing problem which calls for innovative solutions. It is a problem that we in this chamber would do well to examine.

On motion of Senator DeWare, debate adjourned.

CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT

BANKING, TRADE AND COMMERCE COMMITTEE AUTHORIZED TO
APPLY PAPERS AND EVIDENCE ON STUDY OF BILL DURING
PREVIOUS SESSION TO STUDY OF CURRENT BILL

Hon. David Tkachuk, for Senator Kolber, pursuant to notice of March 1, 2001, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Banking, Trade and Commerce during its study of Bill S-19, An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence, in the Second Session of the Thirty-sixth Parliament be referred to the Committee for its present study of Bill S-11, An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence.

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. David Tkachuk, for Senator Kolber, pursuant to notice of March 1, 2001, moved:

That the Standing Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Eymard G. Corbin: Honourable senators, I should like to ask a question of the honourable senator. Before formulating my question, I would tell him what happened in a certain committee last week and, indeed, two weeks prior to that.

After obtaining the authorization of the Senate to have cameras record our proceedings, I entered that particular committee to find that the cameras were already rolling. I subsequently learned that the committee itself had not sought permission of the members of the committee to authorize the recording of the proceedings.

Is it the view of Senator Tkachuk that, once the Senate authorizes the use of recording equipment, whether it is video or audio, in the committee, the committee must obligatorily allow that proceeding to go forward or should, on the other hand, the

committee not seek the authorization of the members of the committee to proceed?

Senator Tkachuk: Honourable senators, I believe that the members of the committee have the opportunity to decide what to do.

Senator Corbin: If the honourable senator as Chair of the committee wanted the cameras to roll, is he saying that he would not allow it unless he had the full support of the members of the committee?

Senator Tkachuk: That is correct.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. David Tkachuk, for Senator Kolber, pursuant to notice of March 1, 2001, moved:

That the Standing Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY STATE OF DOMESTIC AND
INTERNATIONAL FINANCIAL SYSTEM

Hon. David Tkachuk, for Senator Kolber, pursuant to notice of March 1, 2001, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First and Second Session of the Thirty-sixth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, notwithstanding usual practices, the Committee be permitted to deposit an interim report on the said subject with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber; and

That the Committee submit its final report no later than March 31, 2002.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, will this be a new study? Will it involve expenditures not approved by the Internal Economy, Budgets and Administration Committee and travel within the country or elsewhere?

[English]

• (1630)

Senator Tkachuk: Honourable senators, we have not decided on the exact studies we will conduct. We are seeking authorization to proceed, and we will then be presenting a budget when we have the exact frames of preference.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Thelma J. Chalifoux, pursuant to notice of March 13, 2001, moved:

That the Standing Senate Committee on Aboriginal Peoples be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Thelma J. Chalifoux, pursuant to notice of March 13, 2001, moved:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

THE SENATE

PRIVILEGES, STANDING RULES AND ORDERS—MOTION TO REFER QUESTION OF OFFICIAL RECOGNITION OF THIRD POLITICAL PARTY—DEBATE ADJOURNED

Hon. Gerry St. Germain, pursuant to notice of March 15, 2001, moved:

That the matter of officially recognizing a third party, within the procedures of the Senate, be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.

He said: Honourable senators, I am pleased to rise to speak to this motion, which is a logical result of the direction received from the comments provided and the responses and the interventions made as a result of my question of privilege. Hopefully this motion will result in the introduction of new rules or at least amendments to the existing *Rules of the Senate*.

Before I continue, I wish to again thank His Honour for his remarks on the question of privilege that I raised earlier in the session. I also thank those who provided their comments on the matter, such as Senator Prud'homme and others. While I do not necessarily agree with all the comments made, I believe that all parties and senators have recognized and agreed to the need to refer this matter to a committee for consideration.

It was the view of our Speaker, as well the leadership on the government side and the recommendation from Australia, that this matter should go to the Rules Committee. The clerk from the House of Lords, at Westminster, indicated that the senator should be accommodated. The collective opinion to this point in regard to the matter I raised on February 6, 2001, is that examination is required. I am grateful for that support, and I believe that we will be better for it in the Senate.

I should also mention that in many areas of procedure and practice this place does mirror, more or less, the other place. In the lower house, in 1993, where there existed an opposition party of just two members, all four opposition party groups participated in the discussion and negotiation that led to the allocation of resources, speaking time, committee membership and so forth. Since similar negotiations occurred in this place, the named Senate representative of the Canadian Alliance should have been a participant. Had that been the case, my raising a question of privilege most likely would not have been necessary.

For 133 years, Canada has been governed by one of two different parties, and the respective governing Prime Minister has determined the composition of this place. Consequently, this place has really operated with only two parties. However, as is the case with our sister Parliament of Australia, amongst others, times do change. The will of the electorate is not always constant. We all know, or should know, that about 12 years ago there was a change in the political makeup of our country. Where we once had three parties in the House of Commons, we now have five.

In the most recent general election, the governing Liberals garnered approximately 40 per cent of the votes cast; the Canadian Alliance, 26 per cent; the Bloc, 10 per cent; the NDP, 9 per cent; and the Progressive Conservatives, 12 per cent.

The present official opposition is a party of growth, and it is conceivable that one day it could be the governing party. The *Rules of the Senate* describe the responsibilities and the relationship of the Leader of the Government in this place with the Leader of the Government in the other place. The rules do not reflect in quite the same manner the relationship of the leaders in the two Houses of the party of the official opposition, let alone any other opposition parties. Our *Rules of the Senate* should spell out the relationship between the two Houses for both the

governing and the official opposition party, just as it should spell out the rules on the determination of other opposition parties in this place.

Honourable senators, the Senate needs to be progressive and prepared to deal with more than a two-party house. The purpose of the Senate differs from that of the other place, but it must recognize the political landscape that has developed in our nation. As the Senate composition is determined by appointment, it is conceivable that one day we may have a situation where the governing party has but one representative in this place. The Constitution sets out the number of senators named to represent the regions of Canada and, as is often the case, when there is a change of government, there are no seats to fill with appointed representatives of the incoming government. In this hypothetical and yet possible example, one senator would be the Leader of the Government in the Senate, the deputy leader, the whip, the caucus and the members of all the committees. That would mean, in effect, a party of one.

Honourable senators, one question must be answered: What constitutes a recognized party or party status in this place? Clearly, on this count, the factors of determination are entirely different from those of the other place. There is no corollary; the rules of determination cannot be the same.

In the other place, each party is recognized and, by application of a formula of sorts, party status is determined. With party status, the tools to be an effective opposition are allocated. In the Senate, this form of status determination is not a viable consideration. Electoral percentages and even mere numbers in a party have never played a part in determining status in this place. Presence by merely being here should determine party recognition and status. It follows, then, that the existing procedures and practices of this place will provide the rights, privileges and resources to each party in the Senate.

Honourable senators, it is my hope that the Senate represent and be seen to be representing all regions and peoples of the country. Each party and each senator should be seen to be equal in all matters, and if such is not the case, then it is incumbent upon us to correct the inequity of our practices and rules.

Senator Jean-Robert Gauthier stated that all senators are equal. I beg to differ. At the present time, some are more equal than others.

I hope all senators can support this motion, which requests that the matter of officially recognizing a third party within the procedures of the Senate be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.

On motion of Senator Robichaud, debate adjourned.

• (1640)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY INTERNATIONAL STATE AND NATIONAL STATE OF AGRICULTURE AND AGRI-FOOD INDUSTRY AND TO APPLY PAPERS AND EVIDENCE OF STUDY ON STATE AND FUTURE OF AGRICULTURE

Hon. Jack Wiebe, pursuant to notice of March 15, 2001 moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Agriculture and Forestry during the Thirty-sixth Parliament be referred to the Committee; and

That the Committee submit its report no later than June 30, 2002.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE AND FUTURE OF FORESTRY AND APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Jack Wiebe, pursuant to notice of March 15, 2001 moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to receive, examine and report on the papers and evidence received and the work accomplished by the Standing Senate Committee on Agriculture and Forestry during its consideration of the present and future state of forestry during the Second Session of the Thirty-sixth Parliament; and

That the Committee submit its report no later than June 30, 2001.

Motion agreed to.

The Senate adjourned until Wednesday, March 21, 2001 at 1:30 p.m.

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(HANSARD)

Wednesday, March 21, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, March 21, 2001

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. Sharon Carstairs (Leader of the Government):

Honourable senators, I remind all senators that today is the International Day for the Elimination of Racial Discrimination. The consequences of racism in society are indeterminable, but they take their toll on people's ability to support their family, on their ability to obtain service in business establishments, their self-esteem and sometimes on their personal safety.

Sadly, many people around the world, including people in Canada, still suffer from discrimination based upon their nationality or their race. While we Canadians think of racism as something which exists elsewhere, that is because often the expression of racism in Canada is silent.

The International Day for the Elimination of Racial Discrimination was instituted for that very reason. Wherever we find racism, we must address it openly and publicly. Whenever we discriminate against someone, it has an insidious effect on our principles and on the values we hold dear as Canadians. Racism is destructive to the fabric of our society and to the security of future generations of Canadians.

[Translation]

As Canadians, we can be proud that our country was one of the first to support the UN decision to designate this day. We are world leaders in our efforts to encourage understanding between our diverse communities and to promote respect for our differences.

[English]

We must ensure that Canada continues to evolve into a place where we champion inclusiveness and where each and every one of us can fulfil our potential. I look forward to the day when Canadians and people the world over are judged not by the colour of their skin but the quality of their character.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, indeed, the day that we are marking takes

as its cornerstone the horrendous massacre of 70 peaceful demonstrators in Sharpsville, South Africa, on March 21, 1960.

In marking in Canada the International Day for the Elimination of Racial Discrimination, we join with all those Canadians who have been so active in the struggle for the elimination of racism and all forms of racial discrimination, people such as Dr. Ranjit Perera, who on his own initiative has produced this button that reads "I hate racism. I love Canada." It is through great Canadians like Dr. Ranjit Perera that we can be assured that victory in this struggle will be ours.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
COMMENTS BY ASSISTANT DEPUTY MINISTER, MATERIEL

Hon. J. Michael Forrestall: Honourable senators, Mr. Alan Williams, the Assistant Deputy Minister, Materiel, told a committee in the other place on March 13 of this year that the government's approach to the procurement of the cheapest green vehicle for the Maritime Helicopter Project to replace the Sea King is the correct move. He said that to do anything else would be irresponsible. He said that there is no need for us to spend \$1 more of taxpayers' money than we need to in order to get what we want. He compared buying the cheapest maritime helicopter to buying a car without air conditioning. He said that for \$1 more, one might choose to forgo air conditioning.

• (1340)

I wonder what he would have said if he were talking about front and side air bags for a mere \$1 more. Would he have so quickly and crassly dismissed a safety feature for an extra dollar?

I would call that somewhat irresponsible. If we are buying a helicopter and could get extra endurance, lift, engine capacity and other safety features all for \$1 more, would we not want to protect the people who fly helicopters on our behalf and to protect the people of Canada?

The government leader said "the best equipment for our men and women in the Canadian Forces at the best price," but the Assistant Deputy Minister, Materiel, says "the cheapest" and, by the way, he named the Eurocopter Cougar.

Honourable senators, let the buyer beware.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence of a distinguished visitor in our gallery. I refer to Mr. Björn Bjarnson, Minister of Culture and Education of Iceland.

On behalf of all senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

APPROPRIATION BILL NO. 3, 2000-01

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-20, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2001.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

APPROPRIATION BILL NO. 1, 2001-02

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-21, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2002.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

NATIONAL HORSE OF CANADA BILL

FIRST READING

Hon. Lowell Murray presented Bill S-22, to provide for the recognition of the *Canadien* Horse as the national horse of Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Murray, bill placed on the Orders of the Day for second reading two days hence.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— ADEQUACY OF EUROCOPTER COUGAR MARK II

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate. I have in my possession confidential documents marked — and I do not think I will ever understand this — “Canadian Eyes Only,” entitled “Definition Contract Proposal Evaluation Report.”

Assuming that we are all Canadian, honourable senators, I will quote what it says about the Eurocopter Cougar. If someone requests that the document be tabled, I would be pleased to do so.

Senator Graham: Give us the date of the document, please.

Senator Forrestall: I am sorry to say that there is no date on it. Perhaps it was from the 1700s, because the thinking is from that era.

I quote:

Any attempt to close this wide variance in air vehicle performance would require either a major redesign of the proposed Super Puma Mark II or a significant change in the operational role of the NSA which would then require reassessment of the Canadian Navy's concept of operations. A redesign is estimated to cost in excess of \$500 million.

Further on, it says:

A significant portion of this difference (350M) relates to modifications to the Basic Super Puma to make it compatible with approximately 50 per cent of...operational requirements.

Purchasing the Cougar Mark II, which is the naval name for the Cougar, would cost between \$350 million and \$500 million just to perform 50 per cent of the navy's operational tasks.

Can the Leader of the Government in the Senate tell me how the government can consider this to be a worthwhile contender that is, the best value for the buck? We are not talking here about air conditioning; we are talking about the lives of Canadian men and women.

Hon. Sharon Carstairs (Leader of the Government):

Honourable senators, I thank the honourable senator for his question. As often happens in this chamber, the honourable senator has documents that I have never seen. However, he has been very good about that. He usually shares the documents with me after he has asked his question. He is very fair about that. He does send them over to me.

I cannot answer the honourable senator's question. I will attempt to get that information for him.

I listened with great interest to Senator Forrestall's statement made under Senators' Statements a little while ago. If I am quoting him accurately, he said the associate minister said, "We should not spend \$1 more than we have to get what we want." I think the emphasis should be placed on "get what we want."

• (1350)

Senator Forrestall: Honourable senators, I am glad to hear someone on the government side has come around to facing the reality.

Only two aircraft are suitable, the Sikorsky S-92, which will be certified within a year, and the EH-101, which we are already in the process of hiring for search and rescue purposes.

I appreciate very much the candor and openness. We are making progress.

To reinforce the good news, because I did not anticipate it, I have a translated French naval document. No. 1013031, of the Naval Staff Fleet Air Arm Division entitled "Instruction on the Limitations for the Use of Helicopters on Surface Ships."

With regard to the Cougar, it states:

There is a risk that the blade securing the system (straps and other devices) might not withstand the movement of the platform in rough seas. In this case it is necessary to remove the blades. With its narrow track and its relatively high centre of gravity, the Puma must be manoeuvred with care.

This means, honourable senators, that the Cougar is not a navalized helicopter. It does not have a folding rotor blade system so that it can fit in ships' hangars. It does not have a folding tail or reinforced landing gear. It has a very high centre of gravity, making it an unstable platform.

My question for the minister is: Will she not admit that the purchase of the Cougar makes no sense, not even to the French navy, that it is not the best equipment to purchase for our navy, and that it will come with risks and unacceptable high costs for conversion?

Senator Carstairs: The honourable senator should know that I will not admit to anything in this chamber with respect to the specific pieces of equipment we should buy, as I have very little knowledge of defence equipment.

However, I will commit to the honourable senator today that if he provides me with that document and the French translation — I am sure it will be sent over right away because he is so very helpful — I will take that piece of information to the Minister of Defence, and I would hope that it will become part of the deliberations.

REPLACEMENT OF SEA KING HELICOPTERS—CONCERNS OF AEROSPACE INDUSTRY ASSOCIATION OF CANADA

Hon. J. Michael Forrestall: Finally, I wonder if the Leader of the Government would care to get some confirmation from her colleagues that in the last week or so Peter Smith, President of the Aerospace Industry Association of Canada, met first with the Deputy Prime Minister, Mr. Gray, then with Ministers Gagliano and Eggleton, and I believe again this morning with the Deputy Prime Minister, with regard to his association's concerns about the maritime helicopter project procurement process.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I have no idea what Mr. Smith was doing, but if he was attending all those meetings, he was indeed a very busy man. If I can get confirmation, I will bring it back to the Senate chamber.

FINANCE

EFFECT OF CURRENT DEVALUATION OF DOLLAR— PROPER VALUATION RATE

Hon. David Tkachuk: Honourable senators, I have a question for the Leader of the Government. Does the Government of Canada have a deliberate policy to devalue our currency, the Canadian dollar, vis-à-vis the United States dollar, in order to stimulate exports and create jobs in Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is a very simple answer: No.

Senator Tkachuk: The dollar, over the last little while, and over the last number of years, has fallen substantially to a low several days ago of little over 63 cents. Is the Leader of the Government saying that the Government of Canada has no economic policy to strengthen the Canadian dollar?

Senator Carstairs: Honourable senators, the Canadian government, led ably by its Finance Minister, has confidence in the Canadian economy. The Canadian economy is doing very well. As I indicated in response to a question from the Honourable Senator Bolduc yesterday, in comparison with other international currencies, the Canadian currency has also been doing very well. In relation to the American currency, it is clearly not doing as well, but if one looks at the Australian dollar, the Japanese yen, or the United Kingdom pound sterling, the Canadian dollar has done very well. It is because the Canadian economy is also doing very well.

Senator Tkachuk: Honourable senators, I have one further question. I can understand why the American dollar is doing better against other currencies.

Hon. Nicholas W. Taylor: Tell us, then.

Senator Tkachuk: It is because the United States has a stronger and more productive economy, and the world sees safety in the American dollar. We cannot continue to say, on the one hand, that our currency is dropping just as badly as the rest of the currencies in the world and, on the other hand, go on to say, "You cannot compare us to the Japanese, who have their own economic problems, and therefore our economy is doing well," even though we are next door, and our currency is dropping as badly as all the other currencies. We are next door to the Americans.

Senator Taylor: We are getting more for oil.

Senator Tkachuk: As a westerner, Senator Taylor, I want to talk to you about the Canadian dollar because we are subsidizing exports from Ontario. I have a right to speak.

Senator Taylor: You don't know economics. Why not sit down?

Some Hon. Senators: Oh, oh!

The Hon. the Speaker: Order.

Senator Taylor: There is only so much you can listen to from an idiot.

Senator Tkachuk: I would like an apology.

Senator Taylor: Okay.

Senator Tkachuk: I want a real apology. I will not have this kind of talk.

Senator Taylor: I apologize, Your Honour. I think I overrated him.

Hon. Lowell Murray: Honourable senators, the question that arises —

Senator Tkachuk: I will ask my other questions tomorrow. Go ahead.

Senator Murray: I have a supplementary question to ask of the Leader of the Government. If, as we were led to believe yesterday, and again today, the economy is doing so well because the dollar has been devalued, is it the position of the government that the economy would do even better if the dollar were further devalued? In other words, what is the position of the government? Is it that the Canadian dollar is undervalued or overvalued, or is it like Baby Bear's porridge, just right?

Senator Carstairs: Honourable senators, the simple answer is that the Canadian dollar is performing well. To answer part of Senator Tkachuk's question, as he had some valid points, I think it was based to some degree on a false premise. The honourable senator is, in fact, comparing the Canadian dollar and saying that it compares to the falls in the other currencies. Yes, the Canadian dollar has fallen in the past year. Since January of 2000, it is minus 7 per cent. However, the Australian dollar in the same period fell by 25 per cent. The Japanese yen in the same period is down 16 per cent. It is because of the strength of our economy that our dollar has not fallen to the same degree as in the case of Japan, almost two and one half times, and in the case of the Australian dollar, three and one half times. It is an indication that our economy is stronger than their economies.

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government. She really has not answered Senator Murray's question as to how low the Canadian dollar should go. Should we just keep letting it go right down to nothing? Our global wealth is diminishing. What concerns me and I hope concerns the Liberal Party, is our loss of major companies. We have lost MacMillan Bloedel. Seagrams has been bought up by an offshore company, and everything we own in this country is basically half price for Americans.

• (1400)

When I was in the Royal Canadian Air Force, we flew against the Americans. We were as good as them, if not better, in terms of years of proper equipment. I have always compared myself to the best, not the worst. Senator Tkachuk was trying to bring this forward, namely, that we should be comparing ourselves with the best. I know that it is hard for the Liberals in Alberta to think this way, but to be perfectly honest, I am concerned about MacMillan Bloedel and the huge oil companies that are being bought up by Americans at half price. This trend will exacerbate itself by virtue of the dollar continuing to decline. Everything will be sold at wholesale prices and worth less. What is the leader's comment on that respect?

Senator Carstairs: Honourable senators, we can compare ourselves very well to the housing starts south of the border because our statistics are better. We can also compare ourselves more favourably in terms of job creation because we have done a better job at creating jobs over the last eight months. Twice as many jobs have been created in Canada as in the United States in terms of the rate of increase in jobs. In addition, our retail sales are also doing better than south of the border. When I compare myself with the United States and when the government compares itself with the United States, we say, quite frankly, that we are doing very well and that we are leading the pack.

Senator Kinsella: What about the NHL?

Senator St. Germain: Again, I ask the Leader of the Government in the Senate the following: How low should the dollar go? As well, is there no concern about the major Canadian corporations being bought up by American corporations at wholesale prices or below wholesale prices? There must be a concern. Even in the province of Alberta, Americans are buying up oil companies at 50 cents on the dollar and less as the dollar decreases. The situation will just get worse. What is the government doing about this?

Senator Carstairs: I thank the honourable senator for his question, but is he suggesting that the government should get in there and directly control the marketplace in this country? Is that what he is suggesting? Is that what the Canadian Alliance Party stands for now: Government intervention every step of the way?

Senator St. Germain: Honourable senators, the Liberals were always critical of the Mulroney administration because it kept interest rates a bit high, but at least it kept some semblance of reasonableness in the value of the Canadian dollar. That discouraged the acquisition of Canadian corporations such as MacMillan Bloedel. That is my concern. I am prepared to compete, but let's become more productive and get on with the show. We must stop believing that something exists when in fact it does not. The rhetoric is that we are as productive as the Americans. At one time, our dollar was worth more than the American dollar. If we were competitive now, our dollar would be holding level with the American dollar, regardless of what the rest of the world is doing.

Senator Carstairs: If the honourable senator were really serious about what he wanted to do and if he wanted the dollar to increase, then he would disassociate himself entirely with his party's policy of a flat tax, which would probably result in a 50-cent dollar.

Some Hon. Senators: Hear, hear!

THE SENATE

COMMENT BY SENATOR TAYLOR

Hon. Edward M. Lawson: Honourable senators, my question is for the Leader of the Government in the Senate on the incident we experienced a few moments ago when Senator Taylor attacked and called Senator Tkachuk an idiot. In his feeble attempt to apologize, he said, "I think I overrated him." In all my years here, I have never heard a more contemptible statement in this chamber.

Honourable senators, if Senator Taylor does not have the decency to make an honourable apology for his outburst, will the government leader set some standards and direct him to apologize, or will the leader apologize on behalf of her side of the chamber?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, perhaps I did not make my remarks clear. In trying to respond to Senator Tkachuk — because all I try to do in this chamber is try to answer questions — I did, I hope, recognize that his question was valid.

Frankly, I do not support that kind of interchange on the floor of the chamber. I hope that I would never be guilty of that kind of interchange. I hope that Senator Taylor will give an unqualified apology.

Hon. Nicholas W. Taylor: Can I apologize, honourable senators?

The Hon. the Speaker: Honourable senators, I should like to make a brief intervention as your presiding officer to point out that while certain liberties are useful in terms of the give and take in Question Period as it is practised in this place, the rules do provide that the use of a certain kind of language — "sharp language" is what the rules say — are the order of our proceedings and should be respected by all senators.

Honourable Senator Taylor, I think you wanted to say something.

Senator Taylor: Honourable senators, to the members of the house, I must confess that I have imported some of the language from the other place. Perhaps I have spent too many years in the opposition myself. I certainly apologize for that. I am not sure that "idiot" is listed as a non-word —

Some Hon. Senators: Oh, oh!

Senator Taylor: Wait a minute. Regardless of whether it is or not, I certainly withdraw it and apologize. I will do whatever is necessary, even, if possible, to let the honourable senator start over again and I will smile while he is asking his questions.

Hon. David Tkachuk: Honourable senators, could I say something?

The Hon. the Speaker: Honourable Senator Tkachuk, this is out of order, but under the circumstances, I will recognize you.

Senator Tkachuk: Honourable senators, I do not mind being called an idiot; I have been called a lot worse. Many times I have felt like saying things in this chamber, in the other chamber or on the street that would be considered rude where I come from, but I think God gave me a brain so that I can think through what I wish to say and not say a rude thing.

Honourable senators, I asked for an apology. I think that I deserve an unquestionable apology. Both times the senator has risen, he has not done that. I do not mind that, as long as the same rules apply to everyone. If this is an example of the way we are to behave in this place, then I think it is up to His Honour or to the government leader to make it crystal clear to Senator Taylor that we do not behave this way in the people's house.

The Hon. the Speaker: Honourable senators, I should like to point out the specific rule that I was referring to a moment ago in the context of the exchange that has just occurred between honourable senators. Rule 51 states:

All personal, sharp or taxing speeches are forbidden.

I incorporate that admonition in our rules to the conduct of senators in Question Period.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

DEPARTMENT OF HEALTH—RACIAL DISCRIMINATION COMPLAINT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper—by Senator Oliver.

HEALTH—COMPENSATION FOR HEPATITIS C VICTIMS

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 13 on the Order Paper—by Senator Lynch-Staunton.

TRANSPORT—NATIONAL SAFETY CODE FOR MOTOR CARRIERS

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 7 on the Order Paper—by Senator Spivak.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

“Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with whom we share planet earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security, can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a “common purpose” to this country — to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government’s blueprint for this country’s future is a plan to strengthen Canada’s communities, build a vibrant economy, and govern with integrity.

Strengthening Canada’s communities

Canadians feel that the fabric of Canada’s communities and institutions has been weakened in recent years.

Canadians’ faith in their healthcare system has been shaken. Healthcare cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada’s social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government's Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels. This would restore completely the health and post-secondary education dollars cut from transfers to provinces.

- Add a sixth principle to medicare — guaranteed stable and predictable long-term healthcare funding — through legislation. Never again will a government be able to scoop billions of dollars out of health care.

- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.

- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.

- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.

- End the taxation of scholarships awarded to students in colleges and universities.

- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.

- Replace the federal Young Offenders Act with new legislation that reflects the principles of protection of the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice.

- Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

- Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners, that the new economy demands we reward investment, innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians — those least able to pay taxes — from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.

- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.

- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt — the mortgage on our children's future — within 25 years, and pay down the principal on the debt by \$25 billion over the next five years.

- Implement an annual “Red Tape Budget” detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- Work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they are elected.

My government would restore integrity to the governing of Canada by increasing the democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive “whistle-blower” legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the

quality of life of armed forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us towards a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

- We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It's their money, and we want to leave it up to them to save, spend or invest as they see fit.

- Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

- We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable Members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations.”—(*Pursuant to Order adopted March 1, 2001—3 sitting days remaining*).

Hon. Ross Fitzpatrick: Honourable senators, it gives me great pleasure to rise today and speak on the government's Speech from the Throne. I am particularly pleased to do so because it gives me an opportunity to outline the ways in which British Columbians will benefit from the agenda this government has identified.

The agenda outlined in the Throne Speech clearly reflects the government's pan-Canadian vision. It is designed to benefit Canadians from coast to coast to coast. It is an inclusive agenda which demonstrates that this government intends to follow through on its commitments to create opportunities for all Canadians to ensure that no individuals or families are left behind as we move into the new millennium and confront the many new challenges and opportunities offered by a knowledge-based economy.

• (1410)

There are many good programs announced in the Speech from the Throne, and I will only have time to identify a few of the most significant. Therefore, I should like to highlight some of the national programs that will be of benefit to all Canadians, but particularly British Columbians. For example, the government has reaffirmed its commitment to put an additional \$21 billion into our national health care system over the next five years. This government is determined to ensure that Canadians continue to receive high-quality and accessible health care.

Two weeks ago, I had the pleasure of announcing \$3 million in funding for the BC Telehealth Program. This initiative will improve the accessibility to health care services for rural patients in British Columbia. This cutting-edge teleconferencing equipment means that not as many patients in the Okanagan-Similkameen Valley, for example, will need to travel to Vancouver to receive treatment or diagnosis.

Honourable senators, all Canadians, including British Columbians, will benefit from other programs designed to promote equality of opportunity and social well-being. The payments of the National Child Benefit Program, for example, will continue to rise over the next four years. The government has also announced its intention to focus additional resources on those who need particular assistance, including the disabled, Aboriginal peoples, and youth at risk.

In the same way, the government is committed to working with all Canadians to ensure that everyone is able to take advantage of the opportunities presented by a knowledge-based economy. The Throne Speech commits the government to ensuring that we have a skilled workforce as part of a national economic strategy to maintain Canada's economic competitiveness. It will intensify its efforts to promote higher literacy skills for Canadian workers in all regions, including British Columbia. It will work with partners to ensure that youth at risk, who are leaving the education system, are better able to make the transition from school to work.

Honourable senators, perhaps one of the most important initiatives of the government in this regard is its plan to make Canada one of the most "connected" countries in the world. The government's decision to establish a National Broadband Task Force to ensure that all citizens have access to the electronic highway by the year 2004 is, in my view, both far-sighted and revolutionary. The government's commitment to ensure that the so-called "Information Highway" in Canada is accessible to low-income individuals, to those living in rural areas and isolated communities, to schools and to voluntary organizations may well prove to be the most important national infrastructure initiative since the building of the national railway system. It is a project

that all Canadians, and certainly those living in rural and remote areas of British Columbia, will benefit from immediately.

The same can be said for many of government's plans in the area of the environment. Specific initiatives have been announced to conduct research on the subject of water quality, to provide additional federal monies for the development of municipal infrastructure for water and sewage treatment facilities, and to establish new centres of excellence for research in areas of agriculture and natural resources. It is obvious that Canadians in all parts of the country, and certainly in British Columbia, will reap considerable benefits from the activities proposed in these programs, both in terms of the quality of life and in terms of their economic prosperity.

There are a number of government initiatives outlined in the Speech from the Throne that, while intended for the benefit of Canadians, will be of particular interest to British Columbians, for example, the government's commitment to double its investment in research and development by the year 2010. As the Speech from the Throne outlined, the government intends to strengthen the research capacity of Canadian universities and government laboratories, and also to accelerate the process of technological transfer in which research discoveries are translated into commercial products and services.

In the 2000 budget the Government of Canada provided \$900 million to support the establishment of 2,000 Canada Research Chairs in universities across the country by 2005. I wish to take a moment to compliment UBC President, Dr. Martha Piper, for her outstanding work in this initiative, and the leadership role she has assumed to ensure the success of the universities of British Columbia in their participation in this exciting program. For British Columbia, with its many excellent universities and world-class research scientists, this message can only come as very positive news.

Honourable senators, the government has clearly indicated its commitment to ensuring strong and safe communities for Canadians living in both urban and rural settings across the country. For example, the Speech from the Throne reaffirms the government's commitment to work closely with provincial and municipal counterparts to improve public transit and affordable rental housing in urban areas such as Vancouver.

The Throne Speech reaffirms the government's commitment to Aboriginal peoples. The government has adopted significant measures to improve the quality of life of First Nations. It is taking a proactive role in the fight against drug abuse and has introduced educational programs that are aimed at reducing the number of Aboriginal newborns affected by fetal alcohol syndrome. The government has created the Aboriginal Head Start Program — an investment of close to \$50 million per year — which benefits thousands of First Nations, Inuit and Métis pre-school children and their families. Canada is committed to providing young Aboriginal Canadians with the basic tools that they need to take greater advantage of the opportunities that Canada has to offer. This is a much needed program for British Columbia Aboriginal communities.

Honourable senators, I believe the initiatives that I have just described, and many others outlined in the Speech from the Throne, have the potential to be of great benefit to the people of British Columbia. It is also my view, however, that the degree to which British Columbians actually profit from these various federal programs will be determined in large measure by the actions of their provincial and municipal politicians and their local members of Parliament, and to some extent by their own actions as well.

Considering the media discussions of the recent federal election, I should like to briefly tackle the issue of what some have referred to as the apparent alienation of many western Canadians and British Columbians from their national government; a situation that some members of the media argue has been accentuated by the results of the last election. Let me say clearly that I do not subscribe to this thesis, but I do fully understand the concerns of westerners about having their voices heard in the corridors of power in Ottawa. Of course, this is not a new concern. Historically, it has always been difficult for federal governments in Canada, of whatever political stripe, to govern from the centre in the national interest. After all, Canada is an immense country spanning six time zones and bordering three of the world's oceans. Vancouver is nearly 4,600 kilometres from Ottawa, separated by mountain ranges, prairies, and boreal forests. It is hardly surprising that the physical distance between citizens in British Columbia and their national government has often led to a certain degree of psychological distance as well.

This is probably what Allan Fotheringham had in mind last month when he jokingly suggested that the solution was to move British Columbia closer to Ottawa. This obviously is not possible to do physically. That is why I have argued that we must overcome this insecurity not only by our actions but by our attitude. As everyone in my home turf, the Okanagan-Similkameen, knows, distance is not the only thing that separates this part of the country from the centre. Over time, other differences have emerged to heighten this sense of distance. For most of our history, we relied upon natural resources to form the basis of our economy, as did the other Western provinces, while the economy of Central Canada depended on manufacturing. Predictably, there have often been conflicts between the two. Each of the four Western provinces has also evolved a distinctive political culture, responding to the concerns and interests of the ethnically and culturally diverse groups of immigrants who have settled here. Taken together, these differences have resulted in a degree of discontent with the centre which every federal government in this century has had to address in one way or another.

• (1420)

Certainly, it is important to recognize that British Columbia is now a region in its own right, which in fact has now been recognized by Parliament, with issues and concerns quite different from its Prairie neighbours. Yet, in many respects, I feel that our provincial and municipal political leaders, as well as our federal representatives, have failed to take advantage of this

potential source of new-found influence. In my view, there has been too little effort made to constructively sell British Columbia's real interests to the national decision makers or to buy into the opportunities presented over the past several years by various federal government initiatives. Instead, there has been an unfortunate tendency to expect the federal government to make all overtures rather than recognizing that much can be gained from taking the initiative like Dr. Piper did.

Rather than working constructively with the federal government to achieve greater economic and social benefits for the province, too often there has been a strident and automatic criticism of some federal initiatives and outright rejection of others. All too often the political leadership has chosen confrontation rather than cooperating and working together with the federal level to achieve the best possible outcome for British Columbians.

Meanwhile, Alliance spokespersons who represent the greatest numbers in the other place from B.C. have concentrated on their own agenda rather than working to improve or modify the programs that have been proposed. There is often little sense that these MPs consider it a part of their responsibilities to lobby aggressively on behalf of their constituents. This is particularly unfortunate since it is the essential role of the official opposition in parliamentary democracies to offer constructive criticism of the government.

Like my Senate colleagues across Western Canada, I have worked hard in the past to represent the views of the people of British Columbia in Ottawa, and I will continue to do so in this new Parliament. I hope that my good friend Senator St. Germain, a British Columbian and former representative in the other place who now wishes to represent the Alliance Party in this chamber, will choose to take a leadership role in expressing the need for this type of constructive criticism that is currently lacking in his party.

There is an opportunity, honourable senators, for government and opposition to work together, and I believe there is also a real opportunity for individuals, organizations and communities to offer an alternative brand of political government.

Hon. Wilbert J. Keon: Honourable senators, I wish to take a few moments today to comment on a few of the initiatives in the recent Speech from the Throne. First, however, I should like to take this opportunity to congratulate the appointments of the Leader and Deputy Leader of the Government in the Senate, Senator Carstairs and Senator Robichaud, as well as Senator Mercier as whip. They have many responsibilities and challenges ahead in the next year. I am sure that with their extensive parliamentary experience and leadership skills, they will do very well.

Equally, I should like to publicly applaud the opposition leadership team, Senators Lynch-Staunton, Kinsella and DeWare, who with our depleted numbers on this side have an enormous responsibility.

I am also pleased to welcome the new senators, Senators Hubley, Tunney and my dear old friend Senator Morin.

The government's commitment to invest in research and development at a number of levels is particularly encouraging. New federal investments will strengthen the research capacity of universities, accelerate Canada's ability to commercialize research discoveries, open up opportunities for national partnerships and generate collaborative international research that will benefit Canadians in the areas of health, water, the environment and natural resource management.

I also acknowledge the announcement of additional federal funding to support the work of the Canadian Institutes of Health Research. This has been a favourite project of mine for many years, indeed, even before the concept that finally came into being was conceived out of the Medical Research Council.

There is no doubt that the enhanced funding and support of the Canadian Institutes of Health Research will dramatically improve the health research funding environment in this country. The impact that enhanced federal funding through the CIHR has already had on the health research environment is profound. It has opened up opportunities across the full spectrum of health research from basic biomedical to population health. It has opened up new funding opportunities for researchers who are not in the biomedical areas. It has vigorously engaged researchers in the competition for CIHR funding with increased collaboration across disciplines. It has strengthened the elaboration of partnerships between the private, public and community-based sectors. These endeavours increase Canada's visibility as a leader in the research and development field.

The announcement of additional new funding will continue to support these positive changes. At the same time, it will enable the institutes to continue to expand their research into disease prevention and treatment, the determinants of health and health system effectiveness. I will follow with interest the progress in this area because it is vital that appropriate funding arrive in the right place at the right time for the system to evolve. At the present time, however, the exact critical path of this funding remains somewhat foggy, which is of concern to many scientists across the country.

Honourable senators, I also acknowledge the commitment made by the government to work in collaboration with the provinces and territories to create a citizens' council on health care quality to ensure that the public's perspective is considered in developing meaningful indicators of health system performance. Most of the current discussions about health reform are focused only on the needs — that is, funding levels associated with hospitals, nurses and physicians — with little attention given to the ends. We need to know more about the outcomes generated through our investment in the health care system.

Although the delivery and management of health care in this country is a responsibility of the provinces and territories, Canadians across the country continue to look to the federal

government for leadership. A strong federal leadership role in the health arena is critical to ensure sustainability of a national health system capable of meeting the future needs of all Canadians.

While the Speech from the Throne moved us in the right direction in responding to some of the challenges that lie before us, there are some important challenges in the health sector that remain and that were not addressed. Of particular importance is the need for a clear national action plan that will support and advance the renewal of the health system. This plan must clarify that present concerns about the health care system are not related to funding alone.

It deeply concerns me, honourable senators, to see all of the arguments about health care boiling down to dollars and cents.

• (1430)

Throwing millions of dollars, even billions of dollars, into the system without appropriate planning will have little impact. Indeed, the major determinant of health in Canada remains wealth. It has little to do with health care delivery, which is costing us so much. Injecting more money into the health system without a clear plan of action will not take us where we need to go.

Honourable senators, I urge the government to commit to putting a clear plan of action into place. A plan is needed that will address four critical issues as priorities.

One of these priorities was in the Conservative election platform, and I believe that the government should adopt it; that is, institute a series of performance targets and goals for our health system, as well as a system of public report to measure progress toward achieving those goals.

Second, develop strategies and programs that will focus on the retention and repatriation of Canadian physicians and Canadians trained abroad. As we are all aware, the lack of physician availability in Canada is paralyzing the provinces and territories in some areas at the present time. It has significance in rural and remote communities. Doctors, nurses and other health care professionals are moving because of high taxes, low incomes, and increasingly frustrating conditions in which to practice.

I would emphasize my belief that health professionals are not going south for the money. They are going south because they can treat patients in the manner they want to treat them. I am under no illusion that the United States has a better system than ours because America spends 14 per cent of its GDP on health. They do not. We have a better system than they have. However, we must find a way of providing more freedom within our system for our health professionals, who are frustrated at the present time by having to be accountable for the cues and frustrations of the patient.

Third, there should be a focus on integrating the solitudes of health, which I keep repeating, including population health. Indeed, until we return to the bottom line and measure everything by population health, we will not know what we are doing.

Honourable senators, we must integrate population health, public health, health services delivery, health research, and health education. These solitudes currently stand in silence by themselves. Integrating these solitudes would generate new solutions and place greater emphasis on investing in the non-medical determinants of health, health research, injury prevention, health promotion, rehabilitation, and the treatment of chronic diseases on certain population groups.

Fourth, develop a national strategy for an integrated information system. While some efforts have been made in recent years to respond to this need, much remains to be done. Indeed, I have spent years serving on advisory committees to respond to this need, and I am well aware that much remains to be done. Providing every Canadian with a unique identifier — an electronic health record — would be a huge step in the right direction. Honourable senators, this identifier would ensure that the consumer's unique health number is accurately captured and used as a primary means of identification in all transactions on health services. The identifier would enable point of care registration updating and provide designated health care provider access to consumer history with the appropriate privacy codes built-in.

This is not impossible. For example, American servicemen carry a small tag that contains their health record. It has more information on that health record, I can assure you, than any large chart that you can see in the medical reports department of any institution at this time. It is possible to do this. We simply must get busy and do it.

Honourable senators, we as senators and as patients, and some of us as health professionals, share a responsibility to ensure the sustainability of our health care system into the future. I challenge each one of you to respond to this responsibility and to play a role in strengthening the role of the federal government in providing the leadership that is necessary to integrate our solitudes, whether they be geographic, functional or institutional.

It will require that the federal government integrate these solitudes, for only then will we have a sustainable system.

Hon. John G. Bryden: Honourable senators, with my health record, I should like to ask some questions of the honourable senator. My questions will be gentle.

I appreciated very much the identification of the requirement to integrate the solitudes that relate to our medical well-being. However, there was one comment that the senator made in relation to physicians leaving Canada to go south. He said that it was not necessarily because of the money, although there is more money. He noted that they go south in order to be able to treat their patients in the way that they want.

I have spoken to a number of physicians who had gone to the United States and have returned. One of the reasons for their return was exactly the opposite of what the senator indicated. These doctors said that they were not free to treat their patients in the way they felt was professionally the best. They were constrained by the quotas imposed by the health management companies that set their premiums and by things such as the

number of cardiograms that can be demanded and the number of tests that can be demanded.

Is the senator aware of this practice? Is it a valid concern that has been brought back? Indeed, are constraints in the United States' insured system that impede doctors in their ability to treat their patients with the testing and diagnostic techniques that they would ordinarily do because of the restraints imposed by these insurance corporations?

Senator Keon: Honourable senators, there is no question that the HMOs are flexing their muscles south of the border. Physicians and surgeons must get permission to proceed with certain investigations that are expensive prior to the HMO agreeing to cover the investigation. There is no question about that.

On the other hand, there is the private option in the United States. I am not advocating the private option here. I am simply saying that it does provide a freedom for people who want to break out of the system and get rapid access to certain medical treatments. Therefore, the physician is not always delivering the bad news.

• (1440)

There is the private option, if someone wants to pay for it, even if they are covered by an HMO. It is a different system, and I believe that the HMOs are much more frustrating than the system we have in Canada. I have worked in the Canadian system for 30 years, and I have not been very frustrated because it is a good system. However, there is no question that there are areas where people are becoming increasingly frustrated. We must address those areas. We cannot continue to ignore them and simply believe that because we have such a great system, the reasons behind the frustration do not matter. In fact, they matter a great deal to the people who are caught in the system: the patients and the physicians. We must address the issues and resolve them.

Hon. Ione Christensen: Honourable senators, I join with my colleagues in congratulating our new Speaker and the leadership on both sides of the chamber as they carry out their duties. They will be providing guidance to the members of this chamber in the coming session. I believe that we are in good hands.

I will also take a moment to welcome our three new senators to the chamber. They bring with them a broad range of experiences and new ideas, and I have no doubt that they will contribute greatly to the work of the Senate.

A Speech from the Throne sets out an overview of what the government plans to achieve during its term of office. Such speeches are often short on specifics and, as a result, are open to speculation that may be either positive or negative. It is a given that the Throne Speech will not fully meet the expectations of every Canadian. Each sector of society places its issues at a high priority, and if it is not presented in that light, then government is perceived as failing to meet those needs. While this may lead to stimulating debate, it hardly sheds light on what is or is not being accomplished during the term of office.

For this reason, when preparing my comments on the Speech from the Throne, I looked for concrete evidence that results were forthcoming. Is there action in the areas that were addressed?

Honourable senators, the best way for me to answer that question is to look at my own territory, the Yukon, to see if some of the urgent needs are being met. I should like to share with you some of my findings.

In the Speech from the Throne, the Governor General underlined the government's commitment to help Canadians take advantage of learning opportunities. Since then, the government has contributed close to \$400,000 over three years for literacy programs in the Yukon. These funds will help many Yukoners to not only feel better about themselves, but to enable them to participate even more in our economy and our communities.

The government addressed the advance of programs for disease prevention, focusing, in part, on reducing the incidence of preventable diabetes, as well as problems such as FAS and FAE. These problems affect many Yukoners, especially in our Aboriginal communities. To meet this commitment, the Government of Canada announced its contribution of nearly \$140,000 to three Yukon community health projects, addressing exactly those issues.

In Canada, we pride ourselves on living in one of the safest countries in the world. Feeling secure in our homes and our communities is fundamental to our Canadian way. However, crime is a reality in all societies, and as with all social conflicts, prevention is the best solution.

In the Speech from the Throne, the government told Canadians that the focus must be on prevention as much as on punishment. To meet that commitment, the government is supporting the efforts of community organizations in the Yukon by awarding \$322,110 to 27 crime-prevention projects. These Yukon crime-prevention initiatives will help to reduce the risk of violence in many of our communities.

The speech also highlighted the fact that to be a successful society, we must acknowledge and engage with the parts of our society that are less advantaged. Clearly, our homeless citizens need help and support. In March, the government assisted Yukoners by giving an initial \$47,000 to help prevent and alleviate homelessness in Whitehorse. It was not a large amount, but it was definitely a start.

Honourable senators, the picture that I paint is not a perfect one. I think it is safe to say that the government could do more, and I sincerely believe that given the opportunity, it will do more. Many issues still need to be addressed, but we, as a nation, must set the right priorities. As responsible citizens, we must ensure that everyone receives a fair share. Whether it is in the economic field, crime, health or the environment, our government is taking steps. Sometimes such steps may seem small, but they are steps nevertheless, and they are in the right direction.

Hon. Leonard J. Gustafson: Honourable senators, in responding to the Speech from the Throne, I should like to make a few comments about agriculture and the committee that I chair.

I will also provide a reflection of what I witnessed last week when I attended a conference of rural municipalities in Saskatchewan, where 2,500 farmers, councillors and reeves had gathered.

The question that came most often to mind in those four days was: Does the Government of Canada really care about Saskatchewan farmers? That was the question on the minds of most of the farmers. Many farmers asked me, "Len, do they really care about us?"

I want to make it clear that the government has taken some initiatives, but it has not taken steps to deal with the crisis situation that exists. Can Canada afford to not deal with the problem? When we examine that situation and compare it to situations in the United States and Europe, it becomes clear that we are falling far short of a program that will rehabilitate agriculture.

Honourable senators, I was reviewing statistics indicating that the agricultural economy on Prince Edward Island is faltering at about 50 per cent of the average income. What part of society could withstand that? On the Prairies, the figure is even higher — 60 per cent.

On the other side of the issue, input costs on fertilizer have more than doubled. Fuel costs have gone up exorbitantly. Any amount of money that the government has contributed is eaten up by last year's input costs.

That issue is in addition to the low commodity prices that we face. We have heard for 15 years that the Americans will remove their subsidies, the Europeans will do the same, and that will solve the problem. Well, it will not happen in the short term, at least. The U.S. farm policy will be in place for four additional years, and the U.S. has already increased subsidies. They have moved their subsidy off durum wheat and applied it to hard wheat because the projection is that there will be a need for hard wheat.

• (1450)

You can expect to see North Dakota and South Dakota seeding almost wall to wall hard wheat, because they will be subsidized to a greater amount. Where does that leave Canadians? Where does that leave the Government of Canada in dealing with the situation?

Some honourable senators, including Senator Stratton and others, travelled to Europe with our committee for a period of 10 days and attended 25 different meetings in four different countries. We started at the House of Lords in London and finished at the farmers' union in Paris. One thing came across clearly. We were told that North Americans, unlike Europeans, do not understand what it means to be without food. Politically, they feel that they can never again let their farmers down because their people would not stand for it. We take our food supply for granted in Canada. The prospect of what might happen in the farming community strikes an emotional cord with those of us who are close to the issues and a part of farming. We are at the point where some serious decisions must be made.

The Agriculture Committee of the Senate, which I have the privilege of chairing, has been a good one. There has not been a challenge from the Liberal side, from this side or from independent senators on the fact that there is a farm crisis. The problem has been well recognized. The question is: Why is the government not recognizing it as a crisis? Is it the bureaucracy? Has the bureaucracy formulated a direction that the country will take, that there will only be a certain number of farmers left, and that farms will be run by other corporate interests? What is the holdup here? I have talked to many Liberal members of Parliament in the other place. They will admit there is a crisis and a serious problem. Hopefully, the government will move in a positive direction and deal with this crisis. If not, we have a major problem on our hands.

Honourable senators, I want to deal with what is happening with Canada's resources. On the West Coast and the East Coast, we have the fisheries. There is the lumber industry, which is involved in negotiations because of trade problems with their counterparts in the U.S. Then there is the oil and gas industry. Gas prices are increasing because of American demand. I was surprised to see the oil statistics from Saskatchewan. Sixty per cent of our oil production goes directly to the United States. That figure is not quite as high as for agriculture, but it is close. As well, that is only Saskatchewan's contribution and does not include the figures for Alberta.

Then, one must consider the mining industry. Canada provides 25 per cent of all the potash produced in the world. That amounts to approximately half of the net return from agriculture in Saskatchewan. It is no small business. Moving on from there, one might think about water, or our natural resources as a whole. The significant point to consider is the fact that these resources come from rural Canada. We must ask ourselves the question: Are we managing our resources properly?

I just heard some American politicians state that they will be asking the President of the United States to intervene on the softwood lumber issue. I suppose the question we should ask is: Do we really have a policy on our natural resources? We have great resources, but we have become hewers of wood and drawers of water. We are probably giving away resources, even with a low dollar. It seems like a great deal of money when it is paid back in American dollars, but it is still pretty cheap. The Americans are buying our resources pretty cheaply. Perhaps we should demand a level playing field with the Americans through free trade. I know many people would not agree with that, but I think it would work.

As a farmer, I feel that we must start using the levers that we have on the resource issue to bring the Americans to the table. At present the West Coast of the United States is short on power. Just yesterday, the power was off again in Los Angeles and other parts of the West Coast. They have warned their citizens that this will happen again and again. I attended a funeral recently and met three oilmen from Calgary. I asked them what was forcing the price of gas up and they stated that the Americans are willing to pay a high price. They need the oil, it was deregulated, and

they will ask the same price from the people of Alberta. I am told that the price of natural gas has tripled in Alberta. Without belabouring the point, I must ask: Are we handling our resources in a proper way, be they agricultural or other resources?

Honourable senators, there is another important point that I feel I must raise. There are 6 billion people in the world today. There are 1.5 billion people who are not getting proper food. They do not have enough to eat. I have a cartoon here. My secretary will send each honourable senator this cartoon because it sends an important message. In this cartoon a man is throwing a ball, and the caption reads:

This man throws a ball to other men. He makes \$1,000,000 a year.

This man acts silly on television. He makes \$5,000,000 a year.

This man feeds the nation and the world...

Then there is a sign which reads: "Foreclosure auction today." That about sums up this serious situation.

Do we have a moral responsibility to those who have no food? That is a good question to ask a country like Canada. Saskatchewan alone has 40 per cent of the arable land that will produce food. I remember Prime Minister Brian Mulroney, saying, "Len, the only thing we can fault you farmers for is you are too productive."

Honourable senators, we have a crisis situation on our hands that must be managed, and it can be managed. We, as farmers, can compete with the Americans, with the Europeans and with any farmers anywhere in the world. The question is, though, do we have a program? Do we have some long-reaching programs that will deal with the whole area of agriculture, the whole area of our natural resources and the tremendous responsibility of managing the resources of this great country?

• (1500)

I had planned to talk a bit about the environmental end of things, but I will leave that to Senator Spivak. Certainly, the time has come when we must look at this subject from the broader perspective of what we are facing in the whole area of resources in Canada, not the least of which is agriculture.

The Hon. the Speaker *pro tempore*: Is the Honourable Senator Bryden rising to ask a question of the Honourable Senator Gustafson?

Senator Bryden: Yes, Your Honour.

The Hon. the Speaker *pro tempore*: I am sorry to advise Senator Bryden that Senator Gustafson's time has expired. Does the honourable senator wish leave to continue?

Senator Gustafson: Yes.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Bryden: An interesting change in the slant is starting to appear in our national press in relation to rural issues and, in particular, the farming issue. What would my honourable friend say to the press who ask us if Canada can any longer afford to support farming for export to Europe?

Senator Gustafson: Honourable senators, to those who ask such a question, I say that we cannot afford not to do it. I will deal with this question on the basis of our marketing boards. I have always taken exception to marketing boards, whether they deal in milk, chickens, turkeys or other commodities. They are doing quite well because they are only providing a commodity that is consumed. I do not want to take that away from them. However, I think Canada has the greater moral responsibility in those areas, and certainly in grains and oilseeds, of providing for the world.

I have been very interested in the work of the Canadian Foodgrains Bank. This is how it works. A farmer will donate an amount of grain to the bank. The government has a good program of matching that amount, which then goes to Third World countries that cannot afford to buy it. The collection of food is organized through various churches. The program was started by the Mennonites back in 1925 after they endured the great starvation. It has been an excellent program.

I want to share with honourable senators the response of a farmer who came from Germany as an immigrant to Canada, a man I knew well. Unfortunately, he has now passed on. He brought in a 200-bushel truckload of wheat to Lampman, Saskatchewan. They had called for 10 carloads of wheat. Do you know that the farmers from that one town gave 30 carloads of wheat? His truckload alone contained 200 bushels.

This is what he told the CBC. He said, "During the difficult years, I lived on rutabagas for a year in Germany. I will gladly give 200 bushels of wheat to help feed someone who is hungry."

Honourable senators, as proud Canadians, each one of us would take that responsibility when we can provide and produce one of the most important commodities in the world. You and I would not be here without food.

In answer to the honourable senator's question, we cannot afford not to do it, morally, economically and every which way.

Senator Bryden: Honourable senators, the world has a moral obligation to feed the 1.5 billion people who do not have enough food. Some people, for the first time, at least in my memory, are starting to ask: Why does the Canadian taxpayer have to assume the cost of trying to feed these people? Why is that not an international obligation of the United Nations?

I come from a rural background. When I was much younger, I came through a very difficult time when the family farm had to be phased out. We could not compete. The senator raised the issue of natural resources, whether they be potash or oil and gas. What is it about farming — and I ask this as someone who lives in rural Canada — that makes us expect that all the taxpayers of Canada will support us in not only producing but in competing on a worldwide basis? It happens year after year after year. As the honourable senator said, when he was in government, they injected \$6 billion. If, for 15 years, the oil and gas industry asked the taxpayers of Canada to give them \$2 billion every second year to keep them producing, do you think the taxpayers of Canada would react in the same manner as we rural Canadians react because we happen to produce a commodity that is sold on the world market? Why is there a difference?

Senator Gustafson: Honourable senators, with regard to the honourable senator's first question concerning the United Nations, I must say that I have been thinking about this for quite some time. The matter should be taken to the United Nations, which I realize has a food program. Certainly, Canada should play a part in carrying this serious situation to the United Nations.

The figures that I presented came from a missionary organization that had just compiled figures on the world's population. They determined where the underprivileged and the starving are living. Canada should properly be carrying this matter to the United Nations. Our Department of Agriculture should be dealing with this issue at the world level. There is no question about that. Canada cannot do it alone, but we can do our part.

With regard to the taxpayers of Canada, I realize that the average citizen does not get as emotional about the agricultural situation as we farmers do. It seems like the land is a part of us. One of the sad things is that one can see when a farmer is going broke. For example, he may have \$150,000 worth of land and he owes the bank \$160,000; yet, he cannot understand that the farm is not his. It is still his farm, even though the bank owns it.

One of the writers of the Old Testament put it this way. He said that we are fed out of the bowels of the earth. If we do not reap out of the bowels of the earth, we will all be gone. We have had it.

Because this is such a serious situation, I hope that Canadians will be benevolent enough to realize that we have some responsibility here. Like every other senator in this chamber, I believe that we live in the best country in the world. If we cannot help to do something about this crisis situation, who will?

Many of these situations arise out of revolutions, wars and things that should not be going on. The fact is that many countries do not have the stability that we have in Canada. Certainly, we should be showing them leadership.

• (15:00)

Hon. Mira Spivak: Honourable senators, I have listened to the Honourable Senator Gustafson often, and he is always inspiring. I believe that he left one thing out of his speech, and I should like to ask him about it.

The producer is the person who is not getting a fair share. The question would not arise in terms of taxpayer subsidies — which the oil and gas industry receives — if the producer were getting a fair share.

Honourable senators, several reasons have been suggested as to why the producers are not getting a fair share. It has been suggested that there is a lack of competition among agri-businesses. In other words, there is a monopoly and they control the market.

Input manufacturers have merged to a point where their market power allows them to snatch away any extra dollars that the farmer makes. Producers are going broke because the economic structure does not allow them to make money. They do not have any market power.

Equally important, apart from the crisis situation, billions of dollars are not being applied in the right way because there is an oversupply. A small reduction in world grain supplies would increase prices, yet the government is funnelling production.

This analysis is put forward by many groups, including the National Farmers Union. Naturally, I support them. Would Senator Gustafson respond to this analysis? Does the honourable senator agree with it?

Second, I think that this analysis is a correct analysis of the situation. It would eliminate the taxpayers having to bear the burden. The producers are most efficient now. They have done everything. They have expanded. They cannot be any more efficient.

Senator Gustafson: Honourable senators, I want to provide Senator Spivak with a few numbers. A farmer receives four cents from the price of a box of cornflakes. The hockey player whose face is on the box gets 10 cents. Farmers get four cents from the price of a loaf of bread. Farmers are not earning too much from the food they grow; they are earning too little. If we were to check on how the processors are doing economically, and we could include the oil companies, we would see high earnings. They have had record years with record income.

In answer to Senator Spivak's question, the farmer is not getting a fair share of the profits. He is being controlled. My youngest son said that if the price of grain went up, and the fuel companies and the fertilizer companies raised their prices, it would do him no good. This is another area of agriculture that should be examined.

Honourable senators, I am not in favour of government intervention. However, currently, we are in big trouble and this crisis situation must be looked at.

Hon. Herbert O. Sparrow: Honourable senators, Senator Gustafson referred to the athlete's picture on a box of cornflakes and what he earns. Colonel Sanders receives even more for his picture on the chicken box.

The questions that have been asked have suggested that government assistance is only going to help certain export markets, and that is not the case. The farmers of this country feed Canadians. Those farmers are in trouble now. Subsidies feed Canadians. We must have those subsidies or we will lose our agricultural industry.

The newspaper from which the senator quoted is trying to destroy any argument that we might have that we are subsidizing the consumers outside this country. In fact, there may be some of that, but we are trying to protect the agricultural industry.

We are prepared to subsidize teachers by paying millions of dollars. Do we criticize that? The answer is no. We pay the medical profession to look after our health care. Are we critical of that? The answer is no. We are demanding that.

However, it is entirely another story when we talk about feeding our people. They are not supposed to eat. Should not the people who supply that service be treated in the same way as teachers, nurses or anyone else?

Senator Spivak said that the taxpayers bear the burden. It is not a burden to pay money to supply the food that we require. Would Senator Gustafson please comment on these remarks?

Senator Gustafson: Honourable senators, no comment is necessary. Senator Sparrow made his point well.

What the senator says is true. As Canadians, we have not taken this matter seriously in light of the importance of food for Canada or food for export.

I thank the honourable senator.

Senator Bryden: Honourable senators, it has always concerned me that we must never be without food. It is my submission, whether we are discussing hogs in New Brunswick, beef in New Brunswick or wheat in Saskatchewan, that we do not need to subsidize our agricultural industries to feed Canadians.

Indeed, there are countries in the world, such as New Zealand and Australia, that have done away with agricultural subsidies and have stopped trying to compete internationally for these commodities. Those countries are concentrating on feeding their own people.

Honourable senators, a concern was expressed regarding the "feather industry," which has marketing boards for the chickens and the eggs. We do not supply Colonel Sanders. Those chickens all come from the United States.

I am pleased that Senator Gustafson raised the requirement to have a thorough, ongoing look at this resource. There is no question about that need. However, it must be based on how a philosopher would approach a religious question as opposed to how a theologian would approach a religious question. The philosopher would question all of the questions, including whether there is a God, whereas the theologian assumes there is a God. Both of them are very rigorous in their analysis.

• (1520)

When we do our thorough analysis of how we should treat our natural resources, whether fish, food, lumber, wheat or pork, we must consider the fundamental issues of international trade. When preparing our analysis, we may wonder if we are holding up our ability to feed or to warm — using oil and gas to juxtapose with that — our own people. Perhaps we are really saying that on a global basis, we can compete globally with the rest of the world, whether Europe, the U.S. or Russia.

The analysis must be thorough and all “sacred cows” — pardon the pun — will be examined. Senator Gustafson and Senator Spivak indicated that something must be done because the agri-businesses are taking a huge chunk. If they did not take such a big chunk, the farmers would receive more. Who will tell the agri-businesses not to take such a huge chunk? Presumably the government will tell them.

Those of us who come from rural backgrounds, who are fiercely independent, who want to keep government out of our businesses, barns and fields, and who want to proceed our own way can make it. I can remember this happening in the past. We can make it as long as we do fairly well.

I recall reading about discussions surrounding various commodities, such as dairy, chicken and eggs, pork, beef in Atlantic Canada — which never became part of the marketing board system — and beef and grains in Western Canada, for which there is no marketing board, per se, but the Canadian Wheat Board has been there for a long period of time. My concern is that we, as a huge resource-producing nation, perhaps without enough thought — and this is heresy I am sure — walked into a free trade agreement with an “elephant” to our south. That “elephant,” whether we had a free trade agreement or not, would have paid us whatever we asked for our oil and our gas because they needed it. They will not pay us what we ask for our lumber because they have enough lumber to keep those who support their political machines underway.

We are in a situation such that when we do this analysis, we must do it on a continental basis. There are those who say — and I am not one of them — that the farming programs and the farms that exist within a reasonable circumference of highly populated areas do very well. It matters not whether they grow turnips or raise chickens, whether they are regulated or not regulated, or whether they feed race horses or the population of Toronto.

Honourable senators, we have a problem in Canada that we must resolve. The problem is not farming versus taxpayers. At this stage, the real problem is rural versus urban. That is quite different from the issues that arise in health care. For example, if I have a heart attack right now, Senator Keon is here to help me. Within five minutes, there would be an ambulance at the front door. The attendants would place top-notch equipment on my chest and then transport me to one of the best hospitals in the world, where I would have the best care. However, if I happened to have a heart attack on my farm, which is 30 miles or one hour from Moncton, it would take 30 minutes for the ambulance to arrive. The attendants would have only oxygen — none of the other equipment — to keep me alive until one hour later, when we finally reached the hospital.

We have a fundamental urban-rural problem in our country. When the comment was made that the farmer makes four cents on the sale of a box of cornflakes while the hockey player whose picture is on the box receives ten cents, I said that Saskatchewan produces many hockey players, too, so there is a good return on the hockey player. The fact is that we must decide if rural Canada and the rural people exist for a reason other than keeping the towns and cities apart.

Senator Gustafson: Honourable senators, first, I ask Senator Bryden if he thinks I am a theologian or a philosopher? Second, what will Canada do if it does not deal properly with rural Canada?

I was at a Wheat Pool meeting last night. There was one member of Parliament and one senator in attendance. I was the senator. Later, when I arrived at the party hosted by the police, we could barley move because there were so many people. That sends a message. I asked the Saskatchewan Wheat Pool President, Marvin Wiens, how many elevators they had in Saskatchewan previously. He said that they had about 1,000 and that there is not one wooden elevator remaining. There is no question that there has been tremendous change in rural Canada.

The gross national product of this country comes from the resources of this country, which are rural. Twenty-one years ago, Alvin Hamilton said to me that there was an unidentified war between urban Canada and rural Canada. That should not be. Should we not be responsible as a government and as Canadian people who are blessed? Should we not take responsibility for doing the right thing for both urban and rural people?

Senator Bryden: Honourable senators, in response to Senator Gustafson's first question about whether he is a theologian or a philosopher, I will not answer it directly other than to say that I know that in his barn and his stables there are no sacred cows.

Of course, we must be responsible. However, I sometimes wonder when people talk about the new service economy that our biggest gross national productivity comes from services — not goods, but services. Services must be provided to something and for a reason. If nothing is manufactured, why are there services? If there are no cars, there is no need for service stations.

I believe that if our resource industries contribute to our gross domestic productivity on a continuing basis, and they do that globally, then they must be able to compete globally. That will be demanded increasingly of not just the gold or zinc industries, but of all industries, which includes the fishing industry and the farming industry in Canada.

[Translation]

• (1530)

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, normally on Wednesdays, we try, insofar as possible, to adjourn the Senate around 3:30 p.m. in order to allow committees to sit.

I would point out to honourable senators that there remain two days of debate on the Address in Reply to the Speech from the

Throne. Thursday, and Tuesday of next week, honourable senators will certainly be able to speak.

Honourable senators, I ask for your cooperation so that we may adjourn in a few minutes in order to allow committees to sit as planned.

On motion of Senator Kinsella, for Senator Beaudoin debate adjourned.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it is already 3:30 p.m. and pursuant to a relatively formal agreement, I move that the Senate adjourn. I ask that all items in the Orders of the Day and on the *Order Paper* stand in their present order.

The Senate adjourned until tomorrow at 2:00 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, March 22, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Thursday, March 22, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

WORLD WATER DAY

Hon. Ione Christensen: Honourable senators, on February 22, 1993, the United Nations General Assembly adopted a resolution declaring March 22 as World Water Day, a day to recognize and celebrate the importance of water, not only to our lives as human beings, but also its importance to all life on this planet.

The theme for this year is "Water and Health." How appropriate in a year when we, as Canadians, have received a wake-up call with the tragic events in Walkerton, Ontario. The reality of such tragedies is that they take place each and every day someplace in the world.

Honourable senators, 71 per cent of the earth's surface is covered with water; 95 per cent of all of that water is saline and not potable; and 2.5 per cent is locked in the ice, in the permanent snows of the Antarctic or in mountainous regions. What do we have left? Only 2.5 per cent. In the last century, demands for potable water increased by a multiple of six, which is more than double the population growth in that period of time. Remember, we only have 2.5 per cent, which is a finite number.

At Globe 2000 in Vancouver last year, one of the workshop presenters estimated that we have only 20 years before we hit the critical wall of no return. Major industrial growth in Asia, North America, and Western Europe's continued wasteful use of water, together with global warming, all will speed us into a collision course with confrontation based on the need for water. Past centuries have seen conflicts based on ethnic, religious, ideological and territorial expansion, but in the 21st century water will be the Holy Grail of every race and nation.

Several years ago, I was on a train travelling between London and Glasgow, and my seatmate was a biologist who worked in the London water treatment centre. She cheered me immensely by explaining how each glass of water that came out of the tap in London had already passed through five persons.

Growing up in the Yukon, I was surrounded by pristine wilderness and pure water, and I could dip my cup into any

stream and drink with confidence. The Yukon is an area of 186,000 square miles. We still only have a population of 30,000, but in the year 2001, only 50 years from when I was a child, every watershed carries giardia and some carry many more toxic contaminants.

The Hon. the Speaker: I regret to interrupt the Honourable Senator Christensen, but her three-minute time period has expired.

Senator Christensen: I would request leave to continue, honourable senators.

The Hon. the Speaker: I am sorry, Honourable Senator Christensen, but our practice has been not to grant leave on Senators' Statements. Perhaps the honourable senator could continue at the next sitting.

Senator Cools: Give her a chance!

Senator Christensen: I only have one more thing to say.

The Hon. the Speaker: There is no consent.

• (1410)

THE ESTIMATES, 2000-2001

REPORT OF NATIONAL FINANCE COMMITTEE
ON SUPPLEMENTARY ESTIMATES (A) PRESENTED

Hon. Lowell Murray: Honourable senators, I have the honour to present the second report of the Standing Senate Committee on National Finance, which deals with the Supplementary Estimates (A), 2000-2001.

I request that the report be printed as an appendix to today's *Journals of the Senate*.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(For text of report, see today's *Journals of the Senate*, Appendix A, p. 220.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE ESTIMATES, 2001-2002

REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray: Honourable senators, I have the honour to present the third report of the Standing Senate Committee on National Finance, which deals with the Estimates, 2001-2002.

I request that the report be printed as an appendix to today's *Journals of the Senate*.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(For text of report, see today's *Journals of the Senate*, Appendix B, p. 229.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, report placed on Orders of the Day for consideration at the next sitting of the Senate.

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Jack Wiebe, for Hon. E. Leo Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, March 22, 2001

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-16, An Act to Amend the Proceeds of Crime (Money Laundering) Act, has, in obedience to the Order of Reference of Thursday, March 1, 2001, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

E. LEO KOLBER
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, a motion has been put before the house. All

motions are debatable. Do I understand the rules correctly that this is now a debatable motion?

The Hon. the Speaker: Honourable senators, the wording of the motion is that third reading be given at the next sitting of the Senate. As to whether a motion to proceed to third reading at the next sitting is a debatable motion, the answer is no. However, am prepared to receive argument on that view under a point of order and to give a ruling if I am required to. At this point, my answer is "no," Senator Kinsella.

Senator Kinsella: I thank His Honour for that explanation. When we are at Orders of the Day, I intend to raise a point of order on this whole process.

The Hon. the Speaker: I understand. I will now put the question.

Is it your pleasure, honourable senators, to adopt motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

On motion of Senator Robichaud, bill placed on the Orders of the Day for third reading at the next sitting of the Senate on division.

[Translation]

CUSTOMS ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-23, to amend the Customs Act and to make related amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

[English]

QUESTION PERIOD

MULTICULTURALISM

PRINCE GEORGE, BRITISH COLUMBIA— COMMENTS BY MINISTER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. It relates to statements made by her colleague the Minister of State for Multiculturalism and Status of Women.

Yesterday, in the other place, Minister Fry made a certain allegation concerning the community of Prince George, British Columbia. The allegation was that in that community crosses were burning — a clear reference to the abhorrent practice in some parts of that great republic to the south of the Ku Klux Klan and other racist and anti-Semitic organizations burning crosses. This has been denied by the RCMP and by the chief magistrate of that community.

Could the minister advise this house whether the Minister of State for Multiculturalism was accurate in her statement? Is it the position of the Government of Canada that it is okay to be making these kinds of accusations, particularly given the fine statements in this house pointing out the fact that the world community, Canada included, is actively engaged in combatting racism and all forms of racial discrimination?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. It is indeed a serious one. I am given to understand that the Minister of State for Multiculturalism will be making a statement in the House this afternoon with respect to this incident and, therefore, I do not wish to go further. I will wait to see what she has to say.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—CONCERNS OF AEROSPACE INDUSTRIES ASSOCIATION OF CANADA

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Now that Canadian Press has released an article that clearly indicates the aerospace industry's discontent with the Maritime Helicopter Project procurement process, can the minister confirm that President Peter Smith of the Aerospace Industries Association of Canada met twice in the last week with the Deputy Prime Minister, and once with Minister Eggleton and Minister Gagliano?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I cannot confirm that information this afternoon. However, I will seek to obtain it for the honourable senator.

Senator Forrestall: Honourable senators, since the industry has stated its concerns to the Deputy Prime Minister on certification on the lowest-price compliant position of the government, and the fact that as the procurement is now structured the Government of Canada will become the prime contractor — in other words, its own prime contractor — will the government mend its ways and change the procurement process? If so, how will that be approached and when will it be done?

Senator Carstairs: Honourable senators, I believe the government is satisfied with its procurement process. Obviously the honourable senator is not, but the government has not given any indication that it is anything less than satisfied with the process in which it has engaged.

Also, I want to confirm to the honourable senator that the information he provided to me yesterday has been forwarded to the Minister of National Defence.

Senator Forrestall: Honourable senators, the Aerospace Industries Association of Canada is deeply concerned. It is not just one senator who has some concerns about the procurement process. In the minister's discussions of this matter with her colleagues, I hope she will bear that in mind and not simply suggest to the Senate and others that I seem to be the only one with grave concerns. It would seem to me that the Aerospace Industries Association of Canada, its president, high-ranking members of the Canadian Armed Forces, both presently serving and recently retired, and countless other Canadians who are knowledgeable and concerned deeply about the direction of our Armed Forces in general, have expressed concerns about this process. Perhaps one of the ways that the government might get back into the good graces of some Canadians is to review this matter and take some alternative action. I am not the only one making the suggestion.

Senator Carstairs: Honourable senators, I was not suggesting that the honourable senator is the only one concerned. I said there was certainly a disagreement between him and the government in this particular instance.

I want to assure the honourable senator that the information that he relates at any time in this chamber, whether it is his position or the position of others for whom he is speaking, is immediately forwarded to the government.

Senator Forrestall: I accept that as a given, honourable senators.

FOREIGN AFFAIRS

CIVIL WAR IN SUDAN—INVOLVEMENT OF TALISMAN ENERGY INC.

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the troubling situation in Sudan and the current position of the Government of Canada. It also arises, honourable senators, from the headline in the newspapers today, which state, "Eggleton set to trim peace missions."

Canada can no longer afford long-term peacekeeping commitments and is moving towards a "get in quick, get out fast" philosophy, the Defence Minister said yesterday.

Honourable senators, the honourable leader will know that the civil conflict in Sudan was triggered 17 years ago, and some 2 million people, mostly African Christians and traditional believers in the South and Central Sudan, have been killed. Another 4.5 million of these southerners have been driven from their homes by Khartoum's bombing raids and warfare. In addition, tens of thousands of southern women and children have been taken as slaves and sent to the north as concubines and labourers. The current regime is a terrorist regime and a genocidal one, and has been specifically condemned by the U.S. House of Representatives and many other groups.

What specifically will the Government of Canada do for human beings in Sudan, as a well-known peacemaker and peace broker, to bring about an end to these serious violations of human rights?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. It is a two-part question. One part is with respect to some comments attributed to the Minister of National Defence yesterday about peacemaking and missions around the world. There has been no change in policy at the Department of National Defence with respect to the direction of peacekeeping in the future.

As to the specific question the honourable senator raised with respect to Sudan, I have no up-to-date information for him today. However, I will obtain it and get it to him as quickly as possible.

Senator Oliver: Honourable senators, while the minister is getting that information, perhaps she could also get some information on one of Canada's oil companies, Talisman corporation, which is alleged, through the payment of royalties, to be a major contributor to the coffers of the Khartoum government that is carrying out these atrocities? She might, at the same time she is getting the other information, kindly get information on what position the Canadian government is now taking in relation to the royalties paid by Talisman.

Senator Carstairs: I thank the honourable senator for his question. As the honourable senator knows, there was an investigation of the Talisman corporation once before, and that investigation appeared to indicate that they were conducting themselves in an appropriate fashion. However, if there is any update in that area, I will also obtain it for the honourable senator.

UNITED STATES—MISSILE DEFENCE SYSTEM—
POSSIBILITY OF RAISING ISSUE AT G8 SUMMIT

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Today, the Leu Centre for the Study of Global Issues at the University of British Columbia, which Lloyd Axworthy, the former Minister of Foreign Affairs, recently joined, issued a report that said that Canada should use its position as host of next year's G8 summit of rich nations to counter American plans for the controversial missile defence system.

• (1430)

The report says that the plan is opposed by most of the world and that Canadian critics of missile defence, as a responsible partner in both the NATO and NORAD alliances, have a duty to persuade our mighty neighbour and best friend to open up its strategic thinking. Is it the intention of the Government of Canada to raise this issue at next year's summit?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I would think that any document produced by the

Honourable Lloyd Axworthy would be read carefully by this government. He has a long tradition of participation in the government. Although he is now Executive Director of the LEU Centre, I do not think that would change in any way the esteem in which he is held.

No decision has been made with respect to that report since it has just been released, but I can assure the honourable senator that the report will be read.

INDIA—RESUMPTION OF NORMAL DIPLOMATIC RELATIONS

Hon. Douglas Roche: Honourable senators, some clarity is needed in Canada's policies concerning nuclear weapons and missile defence today. Thus, I reiterate the urgency of my request, particularly in light of the announcement made by the Government of Canada two days ago that it will resume normal diplomatic relations with India. In 1998, Canada broke off diplomatic relations because of India's six nuclear weapons tests at that time. When Canada broke off relations, we called on India to rejoin the mainstream of international opinion and to adhere unconditionally to the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Test Ban Treaty, the anchors of the non-proliferation regime. Since that time, India has not joined the non-proliferation treaty and has not joined the Comprehensive Test Ban Treaty.

What are the standards? What are the criteria for resuming normal diplomatic relations, having broken them off for the reasons I have stated? Are nations now free to ignore the NPT and the Comprehensive Test Ban Treaty, receiving from Canada nothing more than a tap on the wrist?

Hon. Senator Carstairs (Leader of the Government): I thank the honourable senator for his question. However imposing those sanctions and keeping them in place for almost three years is more than a simple tap on the wrist. We were extremely unhappy with the position that India had taken. The facts are that India represents perhaps the largest vigorous democracy in the world and is also one of the poorest countries in the world. Recognizing those two factors, the minister decided that constructive dialogue was the most effective way of building mutual understanding and extending universal norms and values.

PAKISTAN—RESUMPTION OF NORMAL DIPLOMATIC RELATIONS

Hon. Marcel Prud'homme: Honourable senators, I have listened attentively to this exchange. Can we apply the same criteria, therefore, to Pakistan, which is also extremely poor? I see Canada fading away from Pakistan in favour of India. We know that Pakistan did not sign the non-proliferation treaty either. We know that others did not sign, and we do not slap them too much. In the Middle East, we know that Israel did not sign as was recently referred to by my colleague Senator Roche.

Why are we closer to some countries that do not sign the non-proliferation treaty, further away from others that do not sign the non-proliferation treaty, and very friendly with some that do sign it? I have agonized over this issue for many years in an effort to come up with an answer that I can give to anyone who asks me about it. Where do we stand on this issue?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. There is a significant difference between India and Pakistan, and that is that Pakistan consistently refuses to hold free elections.

FISHERIES AND OCEANS

EAST COAST—PROPOSAL TO SPLIT FISHING ZONES INTO NATIVE AND NON-NATIVE AREAS

Hon. Gerald J. Comeau: Honourable senators, a couple of weeks ago I asked the Leader of the Government in the Senate to provide further details on the question of native allocations in Atlantic Canada. Specifically, I wanted further details on proposals to divide some of these areas into fishing zones.

Has the Leader of the Government received further information from her colleagues the Minister of Fisheries and Oceans and/or the Minister of Indian Affairs and Northern Development? If so, would she table that information in the house today?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I do not have specific information with respect to the concept of those fishing zones, although I did say in the chamber that the government was not negotiating on the basis of fishing zones. I have no further information for the honourable senator. We have been trying to return information as quickly as possible, and I think we have been pretty good at it to date. However, with regard to that particular question, we still do not have the information.

Senator Comeau: Honourable senators, if such information does reach the public, would it be possible to provide whatever information is available? If there is no discussion on fishing zones, why not simply table the proposals that are being discussed with the native groups, given that the non-natives have not been invited to the table and are not aware of the negotiations that are taking place? In that way, those people would at least have an idea of how their future is being discussed.

Senator Carstairs: Honourable senators, as the honourable senator knows, the negotiations are still ongoing, as they have been since February 9 under the leadership of Jim MacKenzie, who has been trying to achieve negotiated settlements of one to three years. We are committed to those negotiated solutions. However, as a matter of good faith with the other parties with which it is negotiating, I do not think at this point that the government is prepared to make those negotiations public.

Senator Comeau: Honourable senators, the government must realize that the property being negotiated has been in the hands of those communities and has been a part of the livelihood of those communities for many years. I do not understand why the government does not make those people aware of what is being negotiated away from them. I do not see what the great difficulty would be in letting these communities know what is being negotiated without their presence at the table.

Senator Carstairs: Honourable senators, I will make further inquiries on behalf of the honourable senator. If there is anything that I can divulge to him, I will do so.

FOREIGN AFFAIRS

ZIMBABWE—HUMAN RIGHTS VIOLATIONS— WELCOMING OF PRESIDENT BY FRANCE AND BELGIUM

Hon. A. Raynell Andreychuk: Honourable senators, I was pleased to see the Minister of Foreign Affairs indicate that he supports the view of many world leaders that the situation in Zimbabwe is worsening and is coming to a crisis. I was also pleased to see that Secretary of State David Kilgour reminded us that in October 1991, in Harare, the Commonwealth leaders signed a declaration committing themselves to the cause of human rights. I will not read the whole declaration.

I was appalled to see that President Mugabe was welcomed with open arms into France and Belgium at a time when it was absolutely critical that the world denounce his stand.

Canada led in the Harare declaration. What is the government presently doing to mobilize like-minded countries to ensure that this action by France and Belgium is not repeated when it is absolutely critical to the lives of the people of Zimbabwe?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question on Zimbabwe. I have no up-to-date information on any changes of position that the government may have taken with respect to Zimbabwe or any changes that it may make. If I can get further details, I will be pleased to do so.

• (1440)

Senator Andreychuk: Honourable senators, my concern is not with Canada's position. I think that Canada's position is correct. It has denounced the actions of President Mugabe and has reminded him of the Harare declaration.

My concern is: Where is the Canadian leadership with like-minded countries when we are before the Human Rights Commission and when we are part of the OECD? France and Belgium are flouting good universal principles of support for human rights by admitting President Mugabe into their countries for a state visit.

Senator Carstairs: Honourable senators, as the honourable senator knows, this government cannot take responsibility for what goes on in other countries. However, the position of the Canadian government to this point, as the honourable senator has said, has been the correct one. To my knowledge, it will be maintained.

Senator Andreychuk: Honourable senators, when there were corruption issues concerning businesses, we acted as a leader in bringing like-minded OECD countries together to work toward a better end. We acted as a leader in the Harare declaration. It would appear that this kind of action by Canada is needed again.

I would ask the minister to talk to her colleague the Minister of Foreign Affairs to see what he can do with like-minded countries in the UN's Western European and Others Group to ensure that there is a concerted effort to bring these issues to bear on President Mugabe. Now is the time for Canada to assert leadership with like-minded countries.

The government has said that it does not want to work unilaterally. It likes to work with coalitions. I am simply suggesting that the minister undertake this initiative, as it is timely and necessary.

Senator Carstairs: Honourable senators, I thank the honourable senator for her suggestion. I will bring it to the attention of the Minister of Foreign Affairs.

RUSSIA—SERVICES AT MOSCOW EMBASSY

Hon. Eymard G. Corbin: Honourable senators, as we are on the topic of foreign affairs, I take the liberty of raising a matter that was brought to our attention in the Standing Senate Committee on Foreign Affairs recently. We had as a witness an eminent Russian economist, Mr. Vladimir Popov. He complained about the poor services at the Canadian embassy in Moscow. He said that it is extremely painful, if not outright frustrating, for people from Russia wanting to come to this country on a passport or a visa to get speedy and competent service. He went so far as to state that the services at the Canadian embassy were one of the three worst in Moscow and suggested that, surely, the addition of several competent persons to the passport and visa office would improve matters tremendously. Would the minister bring this matter to the attention of the Minister of Foreign Affairs?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. Clearly, our reputation in any foreign country is dependent on the service that we provide to not only to Canadians who are in that country, but to those who wish to come to our country for a variety of purposes.

Honourable senators, I would be delighted to raise this specific issue of the Moscow office, and in particular the passport section, with the Minister of Foreign Affairs within a very few days.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw to your attention the presence of visitors in our gallery. I am referring to the participants and organizers of the 2001 Forum for Young Canadians.

We welcome you to the Senate.

Hon. Senators: Hear, hear!

POINT OF ORDER

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON BILL S-16

The Hon. the Speaker: Honourable senators, I have received notice from Senator Kinsella that he wishes to raise a point of order.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the point of order that must be raised relates to the manner in which the report from the Standing Senate Committee on Banking, Trade and Commerce was reported to have been presented appropriately in this house a few moments ago.

Senator Wiebe, who I take to be a member of that committee rose and presented the report. My understanding is that the Chair of the Standing Senate Committee on Banking, Trade and Commerce is Senator Kolber and that the deputy chair is Senator Tkachuk, who is sitting behind me.

Honourable senators, in my 11 years in the Senate, the protocol and practice has been that when the chairperson of a committee is not available to conduct the functions of the chair, it falls upon the deputy chair to undertake those duties. I would be curious to find out, first, whether the Banking Committee passed a resolution to the effect that this bill would be reported without amendment. I further wish to know that if the chair could not present the report, was an authorization given to another senator to do so?

Honourable senators, this is my first concern: May any member of a committee present the report of a committee? Surely, there must be a resolution in that committee to make a report to the Senate by either the chair or the deputy chair. If another senator on a committee is to make the report, there must be some instrument of designation so that we are assured that that senator is acting on behalf of the committee.

If we are not following the practice of the deputy chair acting in place of the chair, then I think that we must have some formal instrument of designation from the committee authorizing another member of that committee to table or present a report. That is particularly important if a report is bringing a piece of legislation back to the chamber.

Honourable senators, my second concern is that after the report was purportedly presented, the Speaker presented the question as to when the bill should be read the third time. My understanding is that our rules are fairly explicit in this regard. The senator in charge of the bill moves the third reading of the bill. However, Senator Robichaud moved the motion. The applicable rule, 97(4), is clear. It states:

When a committee reports a bill without amendment, such report shall stand adopted without any motion, and the Senator in charge of the bill shall move that it be read a third time on a future day.

Honourable senators, clarity must be brought to this process. If this rule is not followed, the report is not properly before us.

Perhaps Senator Wiebe could advise as to whether he had an instrument of designation, and perhaps members of the committee could inform the house that there was a resolution to that effect. Again, we need some clarity.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I understand the issue raised by Senator Kinsella. Normally, the chair of the committee or, in his or her absence, the deputy chair presents the report of the committee. I would, of course, prefer that we use this procedure whenever possible. Rule 97(1) of the *Rules of the Senate* clearly states:

A report from a select committee shall be presented by the chairman of the committee or by a Senator designated by the chairman.

It does not say that this senator should be a member of the committee, only that this senator must be designated by the chairman.

When Senator Wiebe rose to present the report, he had told me before that he would do so. I assumed that if he had the report with him, then he had received it from the chairman and that the chairman had asked him to present it.

If this is not the case, the honourable senator could object to the presentation of the report. I believe the *Rules of the Senate* were followed.

As for the second point, under rule 97(4) of the *Rules of the Senate*, the sponsor of the bill must present a motion for its consideration at a future sitting. I assumed that I could present this motion because this report deals with government business: it is a bill. I would ask the Speaker to tell me if I was allowed to present that motion.

[English]

• (1450)

Hon. Jack Wiebe: Honourable senators, to add some clarity to this from my perspective, yes, it was the chairman of the committee, Senator Kolber, who indicated that I would introduce the report in the Senate today. It was for that reason at the beginning of my remarks I said, "On behalf of Senator Kolber, I move..."

Hon. David Tkachuk: Honourable senators, although the rules may be a little bit cloudy about who does what, it seems to

me that when honourable senators are asked questions about a committee's business, it is normally the chairman or the deputy chairman who is addressed. That has been the custom of the house. My view is that that implies that the chairman and the deputy chairman speak for the committee. Since Senator Kolber may not have been here, I was available to present the report of the committee. I assume that Senator Wiebe would have been doing it on his behalf. I do not know where Senator Wiebe received the designation. If someone rises and states, "I have designation," no one on the committee knew that that designation was given.

[Translation]

Senator Robichaud: Honourable senators, Senator Tkachuk argues that the designation of the senator who can present the report is somewhat ambiguous. I do not see it that way. It is clearly stated that the report of a given committee must be presented by its chairman or by a senator designated by the chairman of the committee.

The first part of what he said hinted that, when someone needs to speak on behalf of the committee, this is of course the responsibility of the chairman or deputy chairman. I agree fully. There is no question here of speaking on behalf of the committee. It is merely a matter of presenting a report without amendment. When such a report is presented, no questions are asked. It is not a matter of moving for third reading of a bill, but rather of setting the date at which the bill will be considered at third reading. I have indicated that the date for this will be on a future day, next Tuesday to be specific.

I see no ambiguity or confusion. On the contrary, it is very clear.

[English]

Senator Kinsella: Honourable senators, my colleague opposite wants to rely on the clear wording of the rules in one instance in the reading of rule 97(1). However, he does not seem to want to apply the same standard to the reading of rule 97(4).

Rule 97(1), as he drew to our attention quite correctly, states:

A report from a select committee shall be presented by the chairman...

What was the instrument of designation, and is there something in writing? How do we know that the honourable senator was designated? Clearly, that is what rule 97(1) provides.

Rule 97(4), of course, presents the difficulty that was posed by Senator Furey, who was in charge of the bill, not moving the third reading. Rule 97(4) states:

When a committee reports a bill without amendment, such report shall stand adopted without any motion, and the Senator in charge of the bill shall move that it be read a third time on a future day.

That is the written word in respect of who moves third reading. Senator Furey had to move third reading, if we are to follow the rules. That is clearly written in rule 97(1), and we obviously have to follow it in 97(4).

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I believe that we have to be clear when we talk about rules to ensure that we make reference to all the rules and that all the rules are absolutely correctly written.

Senator Tkachuk speaks about who may ask a question, which is covered in rule 24(1), and to whom they can direct that question. It is clear that they can ask a question of the Leader of the Government, the minister or the chairman of a committee. According to our rules, questions cannot be asked of the deputy chair. It is also interesting that this happens to be an S-bill. With an S-bill, by virtue of the fact that the process begins with the Deputy Leader standing in the chamber and presenting the bill, one could argue that it is Senator Robichaud who is in charge of this bill.

Senator Tkachuk: Honourable senators, I know what the rules state in respect of this issue. I also know that in the absence of the chair, when questions are asked in this chamber, the deputy chair has the opportunity to answer them. They may be directed to him, therefore.

I have been here for eight years and I have served on many committees. This has never happened before.

When I was Chairman of the National Finance Committee, questions were asked of either me or Senator De Bané, who was the deputy chair of the committee. The same is true of the other committees with which I have been involved, in the absence of the chair, the deputy chair responded.

Honourable senators, we have a right to raise this point because it seems a little untoward and strange. I support my Deputy Leader on this point.

Senator Carstairs: Honourable senators, the correct way to do this, despite what the rule may say, is to have the report introduced either by the chair or the deputy chair. That is the correct way to do this.

Some Hon. Senators: Hear, hear!

Senator Carstairs: Is that what the rule states? No, it is not. The rule states that it can be introduced by the chair, or by the designate. Frankly, if the side opposite will take it under advisement to ensure that their chairs, when not available, will have their deputy chairs report, I will do the same thing on this side, to ensure that in the future our chairs follow this procedure to the best of their ability.

There are occurrences when neither the chair nor the deputy chair is in the chamber. The bill has been passed, and it is generally the procedure of this house, and a good one, that a bill should be reported to the Senate at the earliest possible opportunity. In extreme situations, in which neither the chair nor

the deputy chair is available, then I believe that the rule in the Senate is a good one. The chair can designate someone, but the custom should be as I indicated earlier: It should be the chair and/or the deputy chair.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I agree with the Leader of the Government that the person in charge of the bill should move the motion for third reading, when the time comes.

• (1500)

If the person in charge of the bill is the person whose name appears on the bill itself, then, on Bill S-16, that person would be the Leader of the Government in the Senate.

Senator Carstairs: He is acting as my deputy.

Hon. Nicholas W. Taylor: Just to refresh the memory of the house, you will recall last year when Senator Ghitter was Chair of the Standing Senate Committee on Energy, Environment and Natural Resources, I was Deputy Chair, and he refused to report. We experienced some of the same brouhaha at that time. When he mentioned that he had been here eight years and that he had not run across this situation, I wanted to refresh his memory by referring to Hansard or the committee proceedings for the year prior to Senator Ghitter's retirement. In fact, about 60 days before his retirement we had the same argument.

The Hon. the Speaker: Honourable senators, I thank honourable senators for their interventions on this important matter. I will take the matter under consideration.

Having said that, I will not undertake to rule prior to this matter coming up on the Order Paper at the next sitting. However, I will do my best to do so. I will make my ruling as quickly as I can.

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.

And on the Motion in amendment by the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

"Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with who we share Planet Earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a "common purpose" to this country - to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government's blueprint for this country's future is a plan to strengthen Canada's communities, build a vibrant economy, and govern with integrity.

Strengthening Canada's communities

Canadians feel that the fabric of Canada's communities and institutions has been weakened in recent years.

Canadians' faith in their health care system has been shaken. Health care cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada's social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government's Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels. This would restore completely the health and post-secondary education dollars cut from transfers to provinces.

- Add a sixth principle to medicare - guaranteed stable and predictable long-term healthcare funding - through legislation. Never again will a government be able to scoop billions of dollars out of health care.

- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.

- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.

- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.

- End the taxation of scholarships awarded to students in colleges and universities.

- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.

- Replace the federal *Young Offenders Act* with new legislation that reflects the principles of protection of the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice.

- Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

- Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners, that the new economy demands we reward investment, innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians - those least able to pay taxes - from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.

- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.

- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt - the mortgage on our children's future — within 25 years, and pay down the principal on the debt by \$25 billion over the next five years.

- Implement an annual "Red Tape Budget" detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- Work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they are elected.

My government would restore integrity to the governing of Canada by increasing the democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive "whistle-blower" legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the quality of life of armed forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us towards a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

— We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It's their money, and we want to leave it up to them to save, spend or invest as they see fit.

— Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

— We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable Members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations.“—(*Pursuant to Order adopted March 1, 2001—2 sitting days remaining.*)

Hon. Gérald-A. Beaudoin: Honourable senators, one of the points of the January 30 Speech from the Throne that interested me is the Government of Canada's desire to become involved in certain areas such as health, education, early childhood, the family, social services and literacy.

Canada is a federation. That is the form of government that suits us best. No one in this chamber challenges the federal system. Far from it.

The Constitution Act, 1867, lists the areas of jurisdiction of the two levels of government. I readily acknowledge that the theory of totally segregated areas of legislative jurisdiction is not easily applied in this day and age. In the next few minutes, I should like to focus on the respect due to our Constitution by the two levels of government.

[English]

In the *Reference re Firearms Act*, the Supreme Court of Canada states:

A federal state depends for its very existence on a just and workable balance between the central and provincial levels of government...

We may always improve a constitutional system. A constitution is never static. It evolves. This is the case in our country. Since patriation in 1982, we have amended the Constitution in nine cases. We have also adopted resolutions and laws that do not change the Constitution but contribute to its evolution.

Since 1867, the distribution of legislative powers has been amended on only a few occasions. This indicates that the distribution of legislative powers, in principle, is adequate. We should therefore have respect for our division of powers.

[Translation]

The dynamics of federal-provincial relations have for some time now been clearly centred on a desire for greater collaboration between provinces, as can be seen by the negotiations and discussions around the February 1999 Social Union Framework Agreement and the Health Agreement of September 2000.

I wish to encourage both levels of government to respect this division to the fullest extent. Any system of government is perfectible. This always holds true. Moreover, the Minister of Intergovernmental Affairs, the Honourable Stéphane Dion, shares that belief. In a recent speech, he said the following:

[English]

...I am in no way suggesting to renounce any reform of the Constitution. Of course the Constitution is not perfect. I'm not saying that our Senate is perfect, or that an interpretative clause recognizing the unique character of Quebec would be of no use. I am in no way denying the need to reflect on our Constitution and our federalism, as Mr. Charest's party did recently. Indeed, I warmly welcome the fact that every political party that believes in Canada has its own ideas and its own methods for improving our federation.

[Translation]

This leads me to make a comment on the preliminary report by the special committee of the Liberal Party of Quebec on the political and constitutional future of Quebec society, chaired by the member of the National Assembly for Chapleau, Benoît Pelletier.

This report, which is of course federalist, painstakingly sets out a new five-point vision for federal-provincial relations: first, the new interests of Quebecers; second, the formation and recognition of the particular identity of Quebec; third, the rediscovery of the true meaning of Canadian federalism; fourth, the challenges for the Canada of tomorrow; and fifth and finally, a new Quebec leadership within Canada.

In my opinion, the Pelletier report represents a praiseworthy effort to improve the way Canada federalism operates. While underscoring the advantages of our belonging within Canada, the report suggests that administrative agreements be entered into, particularly in the areas of communications, the environment and international relations.

The proposals made in that report include recognizing Quebec's specificity, making changes affecting the Senate and the Supreme Court of Canada, granting a constitutional veto, restricting the federal government's spending power, consolidating Quebec's immigration powers, redefining roles and responsibilities, redistributing the tax base and recovering tax points.

Changes are also proposed to improve Canada's economic and social union, including through a new Council of the Federation. The report proposes much closer relations with francophones from the rest of Canada. Finally, the Pelletier report acknowledges the special status and the rights of Quebec's Aboriginal peoples.

This report provides a lucid vision of Canada's federal system. Again, the flexibility of federalism still offers a potential that has yet to be fully developed in our country. The report proposes practical and concrete solutions to increase the autonomy of Quebec and of the other provinces within Canada, but it also urges the other provinces to renew the federation and indicate that Quebec must be an active and productive partner.

• (1510)

This desire to enjoy greater autonomy within the Canadian federation exists in other regions of Canada.

Honourable senators, I will conclude by saying that we, as legislators, must remain very respectful of the Constitution and never forget that our federation is based on a distribution of powers.

[English]

Hon. Landon Pearson: Honourable senators, I am pleased to be able to take part today in the debate on the Speech from the Throne. The occasion of a Throne Speech, which opens a new session of Parliament, is an excellent opportunity to look at where we are and where we are going with respect to certain issues that have been declared to be government priorities.

No one will be surprised to learn that the many references to children in the speech were what interested me most. I found them encouraging because, with their help, I can now see within the complexities of our constitutional structure an increasingly well-defined federal government strategy of support for children and their families, a strategy, furthermore, that is fully respectful of children's rights.

The Convention on the Rights of the Child, which Canada ratified in 1991, clearly recognizes that the state cannot parent a child, for that is the role of the family. The state can and should ensure the well-being of children by creating the conditions that free parents and other primary caretakers to look after and nurture the children who have come into their lives, and to do so with all the love and respect they deserve.

The federal strategy for children and their families is now made up of five main elements. The first is the government's contribution to the financial security of families through the National Child Benefit. The second is the extended parental leave provisions under the Employment Insurance Act that enable working parents to spend more time with their babies. The third is the provision, in conjunction with the provinces and

territories, of early childhood care and development programs. The fourth is sound research to undergird government programs focusing on children. The fifth is to guarantee to children all the protections that the law can provide. Let me briefly discuss each of these elements in turn.

The Speech from the Throne states:

Now Canadians must undertake another national project — to ensure that no Canadian child suffers the debilitating effects of poverty...economic growth alone is not enough —

That is, to ensure that families have the resources to care for their children —

Governments also have a key role to play in helping families left behind and in providing support to families and children.

The Canada Child Tax Benefit, which is the federal government's primary means for helping families with the costs of raising children, has two components: the Canada Child Tax Benefit base benefit for low- and middle-income families, and the National Child Benefit supplement. In the last three budgets, the federal government increased its investment in this program by \$2 billion and lowered the income threshold so that middle-income families can now benefit. By July 2004, total assistance provided through this program to Canadian families with children will be over \$9 billion per year. By July 2004, 3.8 million families, including more than 90 per cent of all children, will be receiving benefits.

The National Child Benefit supplement, a component of the Canada Child Tax Benefit, targets low-income families with children. The 2000 budget took steps to sustain funding for the National Child Benefit by restoring full indexation to the tax system. The federal, provincial and territorial governments are working in partnership to reduce child poverty and promote parents' attachment to the workplace. Under the Social Union Framework Agreement, each province or territory can design the best way to meet these goals by reinvesting these funds in complementary programs and services for low-income families in areas such as child care, child benefits and income supplements, supplementary benefits, dental benefits and preventative services. Participating provinces and First Nations have already put \$500.5 million into such initiatives. In July 2000, the National Child Benefit Futures Direction document was released to emphasize the ongoing commitment of federal, provincial and territorial governments to the National Child Benefit partnership, and the creation of a national platform of income support for families with children. The Speech from the Throne 2001 states:

The National Child Benefit is the cornerstone of our collective efforts to provide children with a better start. It is the single most important social program to be introduced in this country since medicare in the 1960s.

The Speech from the Throne also states:

The government will extend and make more accessible Employment Insurance benefits for parental leave, to help parents take more time from work to spend with their children. It will make its own workplace policies and those of federally regulated employers more family friendly.

Budget 2000 doubled the duration of maternity and parental leave under the Employment Insurance program to one year from six months, or 25 weeks. Extended benefits are now available to parents with a child born or adopted on or after December 31, 2000. The budget also lowered to 600 from 700 the number of hours that must be worked to be eligible. Parents are eligible for benefits with 12 hours of work a week over the course of a year, or 30 hours of employment a week over 20 weeks. In addition, parents can work part-time while receiving parental benefits in the same way as regular claimants, earning up to 25 per cent of their weekly benefit or \$50, whichever is higher. The enhanced program will entail no additional costs either for employees or employers. These changes are expected to benefit some 150,000 families per year at an estimated annual cost of \$900 million.

As of September 30, 2000, the Canadian Labour Code was amended to ensure that the period for which a job is protected under the parental leave provision is the same as the extended parental benefit period. Each province and territory has the responsibility of adapting its own labour codes as necessary.

With respect to the third element of the federal strategy for children, the Speech from the Throne states:

No commitment we make today will be more important for the long-term prosperity and well-being of our society than the commitment to invest our efforts in very young children.

In September 2000, the Government of Canada announced an investment of \$2.2 billion in early child development over five years through the Canada Health and Social Transfer. Under the Early Childhood Development Accord, provincial and territorial governments, with the exception of Quebec, will work with Canadians in four agreed-upon priority areas to promote healthy pregnancy, birth and infancy; to improve parenting and family supports; to strengthen early childhood development, learning and care; and to strengthen community supports.

Within Canada's Social Union Framework Agreement, each provincial and territorial government will tailor its early childhood development services to meet the unique local needs of children and their families. For Canadian families, these investments will mean better access to services such as prenatal classes and screening, pre-school programs and child care, and

parent information and family support. Governments will also make annual public reports on outcome indicators of children's well-being to be developed by September 2002.

There are also a number of existing programs specifically focussed on early childhood that will be continued and enhanced. The Community Action Program for Children, which was announced in 1992, provides long-term funding to community groups to establish and deliver services that respond to the developmental needs of children from birth to six years of age whose physical or mental health is at risk. CAPC projects serve single-parent families, Métis, Inuit and off-reserve Aboriginal children, children of recent immigrants and refugees, children with special needs, and children in remote and isolated communities. Services include parent training, home visits, one-on-one child development intervention, nutrition counselling, mobile units to isolated and rural areas, moms and tots programs, head-start programs, collective kitchens, and traditional Aboriginal healing programs.

There are nearly 500 projects in over 300 urban, rural and remote communities across Canada.

The Canada Prenatal Nutrition Program, which was announced in July of 1994, is funded by the Government of Canada and co-managed with provinces and territories. It helps communities develop enhanced programs for at-risk pregnant women in order to improve birth outcomes. Projects offer food supplementation, nutrition counselling, support education on breastfeeding and postpartum support, as well as referral and counselling on lifestyle issues such as alcohol abuse, stress and family violence. There are currently 277 projects in communities across Canada at a cost of \$30 million per year. Both programs include Aboriginal children, but there are other programs specifically aimed at early childhood development in the Aboriginal population. One is the Aboriginal Headstart Program. In 1995, the federal government established the Aboriginal Headstart Program, an early intervention program for young Aboriginal children to help enhance their development in school readiness. Projects are run by local Aboriginal non-profit organizations that see the parent/caregiver as the natural advocate for the child.

• (1520)

In 1998 the Aboriginal Headstart Program was expanded to on-reserve First Nations children and their families. There is also a First Nations and Inuit Child Care Initiative to provide affordable and quality child care for First Nations and Inuit communities, which has created 4,800 new child care spaces and enhanced 2,900 more for Aboriginal children across Canada. Currently more than 6,000 First Nations and Inuit children benefit from child care on reserves and in Inuit communities. Furthermore, there is a First Nations Kindergarten Four and Five Years Old Program to enable on-reserve schools to provide kindergarten services to First Nations students not attending an on-reserve school in the provincial system. In many of these schools the kindergarten curriculum reflects First Nations culture and heritage, including provision of programs in the First Nations language.

The fourth element of the federal strategy is the important research the Government of Canada is funding so that programs and policies will be solidly based on knowledge of child development and on the factors that affect it. There are two notable research activities now in place, among many others. The first is the National Longitudinal Study of Children and Youth, a study that is considered a definitive source of national data for research and child development in Canada. The survey monitors the development and well-being of 23,000 Canadian children through various stages of their lives, and shows how they are doing physically, emotionally and academically as they grow from infancy to adulthood.

A second research activity just getting underway is that which is being conducted by the five new Centres of Excellence for Children's Well-Being funded by Health Canada. Their mandate is "to enhance our understanding of, and responsiveness to, the physical and mental health needs of children and the critical factors for healthy child development." As part of its contribution to the National Children's Agenda, the federal government has committed \$20 million over five years to improve our understanding of what children need to develop in healthy ways and to ensure that advanced knowledge is disseminated broadly among families, community-based organizations, educators, health professionals and government decision makers.

The centres will build on existing capacities to collect and analyze health information and data; conduct focused research on key childhood and youth health and development issues; provide policy advice to governments and child-serving agencies; generate information and communicate it to a wide range of audiences; and forge local, national and international networks of individuals and groups involved in children's well-being.

On October 5, 2000, the following five centres were launched: the Centre of Excellence for Early Childhood Development, University of Montreal; the Centre of Excellence for Children and Adolescents with Special Needs, Lakehead University; the Centre of Excellence for Youth Engagement, Students Commission; the Centre of Excellence for Child and Youth-Centred Communities, Social Planning Council of Winnipeg; and the Centre of Excellence for Child Welfare, University of Toronto Faculty of Social Work and the Child Welfare League of Canada.

The fifth element of the government's strategy is the guarantee of all the protections for children the law can provide. The Speech from the Throne assures us that the government will work with Canadians to ensure that our communities continue to be strong and safe. One example of this is the National Strategy on Community Safety and Crime Prevention. This strategy recognizes that the best way to deal with the underlying causes of crime and victimization, and build a better and safer society, is to provide children and their families with the resources necessary

to make them more resilient.

The Government of Canada also committed in the Speech from the Throne to work with its partners on modernizing the laws for child support, custody and access, to ensure that they work in the best interests of children in the cases of family breakdown. There are also a number of other protections being created for children in addition to what already exists. These relate to the new challenges of the Internet and the dangers of child pornography, as well as those of sexual predators on the World Wide Web. We will be discussing these soon in the context of the omnibus bill amendment to the Criminal Code.

Finally, honourable senators, I should like to speak briefly to our international commitments to children. This Speech from the Throne builds upon Canada's international commitments made in the previous Speech from the Throne delivered in October 1999. That speech reminded us that in September 2001 the United Nations General Assembly will hold a special session on children. I am honoured to be the Prime Minister's personal representative to lead Canada's preparations for that important event. I wish to quote the following from the 1999 Speech from the Throne:

In the spirit of partnership that led to the historic treaty banning landmines, the government will work to protect the rights of children. Canada will champion efforts to eliminate the exploitation of children, including the use of child soldiers in armed conflicts, and will help to address the crisis of children affected by HIV/AIDS epidemic.

I have been engaged in this process now for nearly two years, and it is challenging to try to bring about consensus among all the member states of the United Nations. If one thing can unite us it is the cause of children. The fact that 191 nations have ratified the Convention on the Rights of the Child is proof of that. I am convinced, therefore, that we have a unique opportunity before us and that the resulting document of the special session, which is provisionally called "A World Fit for Children," will set a clear course for national and international efforts on behalf of children for at least the next decade.

Honourable senators, a coherent government strategy is one thing, and it is an important thing, but in the end we must recognize that governments can do only so much. Every one of us has a distinct role to play in safeguarding the rights of children, each in his or her own way. This is because recognizing that children have human rights by virtue of being human, and then protecting these rights because they are young and vulnerable, is essentially about community, about the respect we owe one another and about the responsibility we all share.

On motion of Senator LeBreton, debate adjourned.

**BILL TO MAINTAIN THE PRINCIPLES RELATING TO
THE ROLE OF THE SENATE AS ESTABLISHED BY THE
CONSTITUTION OF CANADA**

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Corbin, for the second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.

Hon. Anne C. Cools: Honourable senators, I rise today to speak to second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada. I support this bill and I support the intention of this bill. I support Bill S-8's proposals to amend several statutes so that the Senate's proper role in Parliament and the Senate's constitutional role are recognized and upheld.

Honourable Senators, during Debate on Bill S-8 on February 6, 2001, Senator Joyal said, at page 60 of the *Debates of the Senate*:

A review of the statutes has identified 47 acts passed since 1920 that fail to give the Senate a role and status equal to the one of the House of Commons. Of these 47 acts, 20 of them have been inoperative with respect to the provisions of interest to us as senators. This leaves 27 acts that exclude the Senate and prevent it from carrying out its legitimate responsibilities. More important, since the 35th Parliament — that is, in the last seven years, since 1994 — eight bills have been introduced with that kind of clause excluding the Senate. Five were amended in the Senate and the House of Commons, and one was the object of a commitment by the government that the corrective amendment would occur in due course. The proposed bank act died with the end of 36th Parliament and Bill C-20 was adopted without amendment. Bill S-8 aims to amend the 27 acts still in effect that suggest a difference in status between the two Houses of Parliament..

Honourable senators, I should like to take this opportunity to thank Senator Joyal for bringing this bill before us. I thank him for his work and for his initiative. For too long, too many bills have come before the Senate that simply seek to diminish the Senate.

• (1530)

We have seen some of those bills passed here in the Senate. I am disappointed that Bill S-8 does not include an amendment to last year's Bill C-20, to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference, known to us as the Clarity Bill. All

senators here will no doubt recall the debates on the role of the Senate in determining the clarity of a question regarding the secession of a province. As senators know, I voiced strong opposition to Bill C-20. I also voted against the Clarity Bill because it diminished the role of the Senate, and for a few other reasons, although the fact that it diminished the role of the Senate was strong in the minds of many of us. I am hopeful that a future bill will amend C-20. I encourage Senator Joyal to bring such a bill forward.

Honourable senators, the Senate's constitutional role in legislation is clearly defined in Canada's Constitution, and it is a role equal to that of the House of Commons. Every act of Parliament passed here should recognize and reflect the Senate as an integral and equal part of the Parliament of Canada. The Constitution tells us this. Section 17 of the Constitution Act, 1867, formerly known as the British North America Act, 1867, states:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Honourable senators, the one Parliament of Canada is indivisible. It includes the upper house, the Senate of Canada.

In addition, the Constitution Act, section 91 states:

It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order and good Government of Canada...

The Constitution Act, the former BNA Act, states, clearly and unequivocally, that laws for the peace, order and good government of Canada should be enacted with the consent of the House of Commons and the Senate.

Clearly, the Constitution Act and the Fathers of Confederation viewed the agreement and consent of both Houses as being equally necessary and equally important. Since 1994, under this Liberal government, there have been several bills introduced in Parliament that have excluded the Senate. One wonders why there have been so many bills that diminish the Senate and how these bills were able to pass the Senate.

Honourable senators, Bill S-8 is timely. It comes to us at a time in the history of our nation when certain ministers of the Crown are known to be proponents of the abolition of the Senate. The May 31, 1999 *National Post* article entitled "The quiet Senate abolitionists of the federal cabinet" identified Minister of Foreign Affairs John Manley, his predecessor, Lloyd Axworthy, as well as Stéphane Dion, the Minister of Intergovernmental Affairs, as being proponents of Senate abolition. As early as February 28, 1997, *The Vancouver Sun* noted this phenomenon in an article headlined "Intergovernmental Affairs Minister wants Senate gone," the newspaper reported:

The Senate should be abolished. Federal Intergovernmental Affairs Minister Stéphane Dion said Thursday.

Minister Dion's very public disaffection and disdain for the Senate is especially bewildering in light of the events leading up to his appointment to cabinet followed by his subsequent election to the House of Commons.

Honourable senators, the exclusion of the Senate from various bills can be no oversight or accident. The exclusion of the Senate from so many acts of Parliament must be part of a systematic attempt to inhibit the Senate's role in the governance of Canada. The Senate must take action against these slights. Bill S-8, in my view, is a necessary correction to these slights and a vital correction to the laws of Canada.

Honourable senators, certain ministers have attacked the Senate by asserting that the Senate can be ignored. They simply state that believing that if they repeat it often enough people will believe that it is right. They assert that they can ignore the Senate because the Senate is incapable of confidence votes, that is, votes on confidence questions. This is clearly not true. They are blatantly wrong. The constitutional authorities tell us this in uncontroverted language. Canada's highest constitutional authority, Alpheus Todd, in his book entitled *Parliamentary Government in the British Colonies* told us so, saying:

It is true that a vote of want of confidence in an existing administration may properly be passed in either house of parliament, without it being necessary to assign any reasons for the same.

Todd was writing about Canada's Senate — not a foreign or alien Senate, but the Senate of Canada. I repeat: Todd stated in incontrovertible, easily understood language that want of confidence votes could be passed in this Senate Chamber.

An example of the Senate's capacity on a confidence question can be found in the vote on the motion for the Address in Reply to the Speech from the Throne. There is presently such a motion before us on the Order Paper and senators have been speaking to it today. An adverse amendment or a negative vote on the Address in Reply to the Throne Speech would be a confidence question and could cause the defeat of a government.

Honourable senators, if such an address were carried in the Commons and defeated in the Senate, the result would still be a defeated government. I do not understand how these ministers can take these erroneous positions, and I do not understand why so many of them are allowed to continue to hold their erroneous positions without constant correction and debate from some of us.

Honourable senators, I should also like to point out that the Senate has used its power of confidence in the past to impact the politics of the nation. I wish to share a particular example of the Senate's role in such a censure function, that being the Senate's

role in the 1879 dismissal of then Quebec Lieutenant-Governor Luc Letellier. The Governor General, the Marquess of Lorne, removed Mr. Letellier as a result of the adoption of resolutions in both the Senate and the House of Commons. Luc Letellier had been a Government Leader in the Senate under Liberal Prime Minister Alexander Mackenzie who subsequently appointed him Lieutenant-Governor of Quebec in December 1876.

Lieutenant-Governor Letellier, in March 1878, had dismissed the Quebec Conservative de Boucherville government and had asked Liberal Leader Henri-Gustave Joly to form a government. Much controversy ensued, including the adoption of that motion of censure against Letellier here in the Senate. This motion eventually and ultimately led to his removal.

Honourable senators, the Letellier affair was a matter of high constitutional crisis and a lengthy and complex one that is recorded in the proceedings of both our Houses. It is of importance that the Senate carried the lead in Letellier's removal. In this Senate, on April 12, 1878, Conservative Opposition Leader Senator Alexander Campbell moved a motion of censure against Lieutenant-Governor Letellier. That motion carried on April 16, 1878. It is interesting to note that a similar motion of censure against Letellier had failed in the other place the day earlier.

A few months later, the 1878 federal election occurred. Prime Minister Mackenzie and his Liberals were defeated and Sir John A. Macdonald and his Conservatives were returned to power and formed the government. Since the political complexion of the new House of Commons was different, it revisited the Letellier affair. This time, the censure motion carried in the House of Commons on March 13, 1879.

Honourable senators, the result of these successful censure motions in both Houses was the removal of Mr. Letellier. I will share with senators the actions of Prime Minister Sir John A. Macdonald as recorded in a Privy Council document entitled "Report of a Committee of the Honourable the Privy Council approved of by His Excellency the Governor General on the 25th day of July, 1879." That report states:

That...Sir John A. Macdonald, as first minister, waited on your Excellency and informed you that after the resolution of the Senate in the last session of Parliament, and the resolution of the House of Commons just referred to, it was the opinion of your Excellency's advisers that the usefulness of Mr. Letellier as Lieutenant-Governor of Quebec was gone, and they advised that in the public interest it was expedient that he should be removed from office.

• (1540)

Honourable senators, during our deliberations on Bill C-20, we listened to a lot of the nonsense about the Senate and about what it could and could not do. I would submit that, if any such motion were to pass here, it would have significant and serious political effects.

This Privy Council document clearly stated that the reason or the assigned cause for Letellier's removal was the motions of censure that passed first in the Senate and then later in the House of Commons. The report continued:

He further begs to report that the cause to be assigned for such removal according to the provisions of the 59th section of the British North America Act, 1867, is that after the vote of the House of Commons during last session and that of the Senate during the previous session Mr. Letellier's usefulness as a Lieutenant-Governor was gone. That your Excellency's advisers are fully aware of the responsibility of making this recommendation, and they feel it their duty to accept it in every sense.

Honourable senators, the Marquess of Lorne removed Lieutenant-Governor Luc Letellier on July 26, 1879, and appointed Theodore Robitaille in his stead.

As I have pointed out, the Letellier affair is a classic example of the result of a successful vote of censure, a vote of confidence, in the Senate, and speaks very eloquently to the constitutional impact and the proper constitutional role of the Senate.

Honourable senators, there are many examples of this. I wanted to lay out this particular example because the gentleman in question who was removed had been a senator and, in fact, a Government Leader in the Senate. Clearly, this goes to the whole question of the Senate and politics.

Honourable senators, Bill S-8 seeks to amend 27 statutes. These amendments would place the Senate on an equal footing with the other place. For example, the provisions of the Yukon First Nations Land Claims Settlement Act presently requires that a final or transboundary agreement would only be laid before the House of Commons. Bill S-8 would amend that act by requiring those agreements to be laid before both Houses — in short, both the House of Commons and the Senate. Bill S-8 would also legislate that Senate committees review the operations of certain statutes. For example, Bill S-8 would amend the Employment Equity Act to require a Senate committee review. Presently, there is only a reference to a committee of the other place. These are just two examples of what Bill S-8 would correct.

This bill, if passed into law, would restore the Senate to an equal position with the House of Commons in many statutes. It is lamentable, honourable senators, that the Senate finds itself in a situation where so many statutes need to be amended.

Honourable senators, we have a constitutional duty to perform as an integral part of the Parliament of Canada. Our role in legislation is clearly defined in the Constitution of this land. I believe that we cannot escape our responsibilities and that we must act. Bill S-8 is a good first step.

In conclusion, I would encourage honourable senators to support Bill S-8. Once again, I should like to thank Senator Joyal for taking this initiative and for bringing this bill before us.

I would add, however, that I do not want to communicate in any way that I believe this bill to be perfect or that it does not have some flaws. It does. It has some imperfections, and it needs some work. However, I do believe that the bill, in its spirit and in its objectives, and how it sets out to attain them, is an excellent first step. I give my support to the bill and I look forward to a proper study and consideration of the questions and of the issues in committee.

The Hon. the Speaker *pro tempore*: Although the time has expired, some honourable senators have indicated that they wish to ask questions. Is the honourable senator asking for leave to continue?

Senator Cools: Yes.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Yes.

Hon. Lowell Murray: Honourable senators, I may have misunderstood the honourable senator. I want to ask her a question.

Surely the honourable senator is not placing a non-confidence motion in the government passed by the Senate on the same basis as a non-confidence motion in the government passed by the House of Commons in terms of constitutional implications.

Senator Cools: Honourable senators, I wish to thank the Honourable Senator Murray for his question. Certainly, I was not suggesting nor equating the impacts of certain results.

As I said, the Senate is a separate and different institution with a different set of powers. Yes, there is a difference between the Senate and the House of Commons. Yes, they are coordinate institutions. However, the differences, as you know, are largely outlined in sections 53 and 54 of the Constitution. In certain matters, especially on certain, strong budgetary questions, of course the House of Commons has the lead in being able to conduct, to move and to pass votes of confidence.

My essential point is that confidence motions, under certain circumstances, can be passed in this chamber. I would be quite happy to share with you another particular example of such a statute, such as the Auditor General of Canada Act. It is also one of those statutes that states that the officer may be removed by an address of both the Senate and the House of Commons. If the government were to move such a motion in the House of Commons and it not carry in the Senate, because of that statutory requirement that it be approved by the Senate, the government would be forced to resign.

I have that on authority from R. B. Bennett, especially where the Senate's agreement is a statutory requirement. If Senator Murray goes back to the record and revisits the crisis surrounding the Governor of the Bank of Canada, James Coyne, he will find that the question arose then as to why the government of the day was proceeding by bill and not by joint address to remove Governor Coyne.

However, that is an interesting question. One of the reasons I brought it forth today is that these are the kinds of questions that senators need to debate and need to rediscover, because it is as though our entire past has vanished. It would be fitting and useful, I think, for us to discover what our real and true powers are.

The fact of the matter is that it is a well-known constitutional principle that every minister of the Crown and every government of the day should always be seeking concurrence between the two chambers, that the intention of the system and the intention of the British Constitution is that a minister of Her Majesty's Government should seek concurrence. That is the point I am trying to make.

Senator Murray: I do not doubt that that is true. However, a formal vote of non-confidence in the government, if it passes the House of Commons, results either in the resignation of the government or the dissolution of Parliament and a general election.

Senator Cools: I am having difficulty —

Senator Murray: Excuse me, senator, but a formal vote of non-confidence, if it were passed here — and I am not aware of any precedence for that — does not necessarily lead to that result.

Senator Cools: I would again thank the honourable senator for his comment. I believe that the whole question of confidence votes is a mystical one. I would submit that those questions that would cause the defeat or force the resignation of any government remain largely political and are not in the least bit legal.

Senator Kinsella: The answer is "No."

On motion of Senator Christensen, debate adjourned.

[Translation]

• (1550)

THE SENATE

PRIVILEGES, STANDING RULES AND ORDERS— MOTION TO REFER QUESTION OF OFFICIAL RECOGNITION OF THIRD POLITICAL PARTY ACCEPTED

On the Order:

Debate resumed on the motion by the Honourable Senator St. Germain P.C., seconded by Honourable Senator Lawson,

[Senator Cools]

That the matter of officially recognizing a third party, within the procedures of the Senate, be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.—(*Honourable Senator Robichaud, P.C.*)

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Motion No. 37 was adjourned in my name so that senators on this side wishing to speak to this matter could do so. I have had no indication of this. The question posed by this motion may therefore be referred to the committee.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would echo the remarks of my honourable colleague. We have no wish to add anything to this debate and we are prepared for adoption of the motion.

Motion agreed to.

[English]

BLACK HISTORY MONTH

PRESENTATION TO CANADIAN BAR ASSOCIATION— INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate to the celebration of Black History Month in Canada, and the Canadian Bar Association of Ontario dinner in Toronto on February 1, 2001, at which she, as the keynote speaker, spoke to the topic "A Room With a View: A Black Senator's View of the Canadian Senate."—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Senator Chalifoux was interested in holding the adjournment of debate on this item. I am agreeable to having her name substituted for mine as the person in whose name this matter has been adjourned.

Order stands.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lowell Murray, pursuant to notice of March 14, 2001, moved:

That the Standing Senate Committee on National Finance, be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[Translation]

THE AUDITOR GENERAL

MR. DENIS DESAUTELS—MOTION TO EXPRESS GRATITUDE
FOR SERVICE TO COUNTRY DURING TENURE IN OFFICE—
MOTION ADOPTED

Hon. Jean-Robert Gauthier, pursuant to notice given
March 15, 2001, moved:

That, in the opinion of the Senate, Mr. Denis Desautels
has been an excellent Auditor General of Canada.

Scrupulously honest, professional, fair-minded and a
determined investigator, Mr. Desautels carried out his duties
as Auditor General efficiently and effectively. During his
ten-year term, he not only verified the government's
accounts but also was able, thanks to his leadership, to lead
a team as professional and dedicated as himself.

The Parliament of Canada thanks Mr. Desautels for his
services and recognizes the valuable work he has done for
his country.

He said: Honourable senators, Senator Murray wanted to
second my motion, but he is not here at the moment. I am happy
to have Senator Fraser do it.

I am introducing this motion today in order to have the
Parliament of Canada recognize the important contribution made
by one of our senior officials, Denis Desautels, during his
ten-year term as Auditor General. He has rendered a valuable
service to the public and to parliamentarians.

Born in St.-Bruno, Quebec, on May 14, 1943, Mr. Desautels is
still a young man. His studies in Montreal led to a B. Com. from
McGill University in 1964. After joining Clarkson Gordon in
Montreal, he became a chartered accountant in 1966.

Over the course of his stellar career in the private sector,
Mr. Desautels acquired vast experience in public auditing and
accounting, at the federal, provincial and municipal levels.

In recognition of his meritorious services to the profession,
Mr. Desautels was made an honorary member by the Ordre des
comptables agréés du Québec in 1986 and by the Institute of
Chartered Accountants of Ontario in 1991. In 1997, he was
decorated with the Ordre de Saint-Grégoire-le-Grand by the
Archbishop of Ottawa.

He was a lecturer at McGill University and the University of
Ottawa, and chaired the advisory committee of the accounting
chair at the École des Hautes Études commerciales, and the audit
committee of the École nationale d'administration publique. He
is also a member of the board of the Canadian Comprehensive
Auditing Foundation. Comprehensive auditing is a complicated,
but most interesting, field.

When he was appointed in 1991, I was the chair of the
Standing Committee on Public Accounts in the House of
Commons. This was not a popular committee with MPs, because
it studied issues that were both complex and complicated to
apply.

At that time, the Auditor General's report was a two- to
three-inch-thick volume that stirred up a day and a half of furore,
at the most, and then was forgotten. The annual report was too
complicated, and always backward-looking, as it referred to
previous years. Public servants had sometimes changed jobs, the
people responsible were no longer there and the issues raised in
the report often went unresolved.

I asked Mr. Desautels why he would not table in-depth ad hoc
reports. He told me he could not do that because the act
prohibited him from doing so and that he could only publish one
report. I tried to have the act amended. I succeeded in spite of
some resistance. Now, the Auditor General of Canada tables
reports every three months. This rather relevant and important
document is reviewed by two committees of the Senate and of
the House of Commons, so that public accountability is seen as
an important and public matter.

• (1600)

In June 1994, I proposed an amendment to the Auditor
General Act, so that more than one report could be published.
Bill C-207, to amend the Auditor General Act, was passed on
June 13, 1994, thus allowing the Auditor General to table several
reports. Since 1995, he has tabled 16 progress reports to
Parliament. These reports are very useful and they are much
appreciated by parliamentarians. The public is also curious about
them because the media take an interest in them.

As he is about to retire, I wish Mr. Desautels, on a personal
level but also as a parliamentarian and on behalf of honourable
senators, a retirement that will not be too long. I know that in a
few months he will be active. I also hope that he will get
involved in fulfilling activities and will play the odd round of
golf, because he loves the game and he is good at it.

Have a long life, Mr. Desautels. We thank you for the excellent
job you have done for Canada.

[English]

• (1600)

Hon. Lowell Murray: Honourable senators, I intervene to
express our entire support for this motion and our thanks to
Senator Gauthier for having brought it forward. Unlike Senator
Gauthier, I am not personally acquainted with Mr. Desautels, but
I share Senator Gauthier's admiration for him. Mr. Desautels has
been an exemplary servant of Parliament for the past 10 years.
He has served through all or part of four parliaments at a
somewhat tumultuous time in our history. Mr. Desautels served
at a time when both Conservative and Liberal governments were
in office, and he has earned, justly, the respect of all
parliamentarians and those members of the Canadian public who
have an appreciation for the importance of his role in our system.

I underline the excellent professionalism of the tone and content of both Mr. Desautels' reports and his office. Mr. Desautels and his staff did some quite controversial things over the past 10 years. They took initiatives that made the headlines. Mr. Desautels qualified the audit report on the government's finances. That is a considerable step, but he did it in such a professional and respectful way that, while we all received the point, nobody could possibly take offence. Nor could anyone consider that he was doing something in a way that had the slightest partisan taint or that gave the slightest indication of wanting to overstate, or exaggerate, the situation.

I hope that Mr. Desautels will take some satisfaction in the fact that, as he told the House of Commons committee recently, some 60 per cent of the recommendations of his office tended to be accepted and implemented over time by the government. He should also take satisfaction in the fact that some of the major issues that he advanced during his period in office have been taken up by Parliament and by the government. For example, quite recently we heard from the President of the Treasury Board that the government intends to move now with a thorough reform of the public service. I do not know whether the details of that reform will please Mr. Desautels or please us, in Parliament, who have to follow these matters closely. However, he can take considerable satisfaction from the fact that an issue that he had promoted persistently for almost 10 years now appears to be close to fruition.

Mr. Desautels has also indicated that he wishes to see his office work more closely with parliamentary committees, not just, as is now the case, the House of Commons Standing Committee on Public Accounts. While he has appeared occasionally before Senate committees, it would make a great deal of sense, given our oversight role on policy and the implementation of programs, if we invited the Auditor General or people from his office to appear more frequently before standing committees of the Senate.

Another issue that Mr. Desautels advocated effectively is that of the governance of Crown corporations. This, too, is a matter that Parliament and the government are now paying more attention to, I believe, as a result of Mr. Desautels' urgings on this matter.

A few moments ago, I was reading his comments on the Public Accounts Committee. One of the issues that he raised was of some interest during the last Parliament: the tendency of government to hive off some of its activities to Crown agencies. This was done with the former Department of National Revenue and Parks Canada, which is now a quasi-independent agency.

The Auditor General continues to audit those agencies, and he has expressed the opinion — and I am glad to acknowledge that, as one who opposed both of those bills — that the public accounts apparatus in those agencies is working quite well.

Mr. Desautels wonders aloud about the fact that the Auditor General of Canada has not been permitted to audit some other

activities, such as the millennium scholarship fund and the Canada Pension Plan Investment Board.

It is most appropriate that Mr. Desautels draws our attention to these issues as he leaves office. Altogether, he can take a great deal of pride in his record in office. Parliament and Canada can take a great deal of satisfaction from his service.

Honourable senators, on behalf of my colleagues on this side of the chamber, I am most happy to join in the motion that has been moved by Senator Gauthier. To that motion I simply add that the Auditor General will make a farewell appearance at the Standing Senate Committee on National Finance on March 28, 2001, just days before he retires. I invite all honourable senators to join us at that time. I am sure you will be given a warm welcome and every opportunity to participate.

[Translation]

Hon. Roch Bolduc: Honourable senators, I have been a member of the Standing Senate Committee on National Finance for over ten years now, and I wish to speak to the quality of the work done by the Auditor General.

He was a true professional in performing his duties as Auditor General. He conducted a serious dialogue with the government. Furthermore, I must say that the Ministers of Finance with whom he dealt were also serious with him. There may have been disagreements about accounting concepts, about the presentation of financial statements but, on the whole, the dialogue was vigorous and constructive and did much to improve public administration in Canada.

• (1610)

I have had occasion to question him a number of times. This is a senior public servant who is capable of seeing what is coming at him, and of understanding the allusions being made. He has been an excellent Auditor General and during his mandate has brought innovations to the administrative processes.

He has backed the government up against the wall on questions relating to performance assessment, something that is important to an administration. Legislation often contains contradictory objectives and so it is not easy for public servants to say that performance has been this or that, when the objectives themselves are contradictory. His performance in this area has been excellent, as well as in his dialogue with the other stakeholders.

It is important to note that his lead role was uncontested by the provincial auditors general, who form an association with the federal auditors.

Mr. Desautels has been extremely active in promoting the advancement of accounting and management standards for the Canadian public administration. He has done the same on the international level, as president of the International Association of Auditors General.

In this connection, the United States Comptroller General gave an excellent testimonial, during his appearance yesterday before our Standing Senate Committee on National Finance, to the quality of Mr. Desautels' participation in international institutions in connection with the meetings of auditors general.

I wish him a happy retirement and thank him for his service to Canada.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable Senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, March 27, 2001, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, March 27, 2001, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)
Thursday, March 22, 2001

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31		
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications					
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs					
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12		
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce					
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0			
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce					
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21							
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21							

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance					
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications					
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31							
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Post Laureate) (Sen. Grafstein)	01/01/31	01/02/08				01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07							
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07							
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology					
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources					
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20							
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21							
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13							
S-22	An Act to provide for the recognition of the Canadian Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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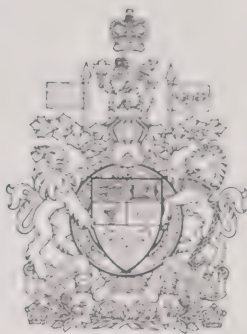
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OFFICIAL REPORT
(HANSARD)

Tuesday, March 27, 2001

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, March 27, 2001

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

UNEQUAL TREATMENT OF SENATORS—NOTICE

The Hon. the Speaker: Honourable senators, I wish to inform you that, in accordance with rule 43(3) of the *Rules of the Senate*, the Clerk of the Senate received, at 10:52 this morning, written notice of a question of privilege by the Honourable Senator Carney, P.C. In accordance with rule 43(7), I recognize Senator Carney at the appropriate place on the Order Paper.

Hon. Pat Carney: Honourable senators, as was indicated in my notice to the Clerk of the Senate, I wish to inform you that I will raise a question of privilege later today dealing with the unequal treatment of senators under the *Rules of the Senate*. If a prima facie case is found, I will move that the matter be referred to the Rules Committee for consideration and report.

PRINCE EDWARD ISLAND

WORLD JUNIOR CURLING CHAMPIONSHIPS— CONGRATULATIONS TO FEMALE CHAMPIONS

Hon. Elizabeth Hubley: Honourable senators, I am proud to rise in this chamber today to recognize the recent and quite astonishing achievement of a group of young people from my home province of Prince Edward Island. In what was one of the most thrilling events I have ever witnessed in sport, the Suzanne Gaudet rink of Summerside, Prince Edward Island, won the Women's World Junior Curling Championship Saturday evening.

The team of skip Suzanne, third Stefanie Richard, second Robyn MacPhee, lead Kelly Higgins, along with Coach Paul Power and alternate Carol Webb, stunned the curling world with their exciting win over Sweden in the final. To be in the position of attaining recognition as a world champion is obviously something most people never achieve. To do so at such a young age only adds to the honour.

I and all Islanders are so proud of what this group of young women has accomplished in the last few weeks. Their road to the world championships started at the provincial level, where they earned the right to represent Prince Edward Island at the nationals. From there, it was on to the Canadian championships in St. Catharines, Ontario, where they became national

champions. With one more step to climb, albeit a steep one, their dream of a world championship became a reality Saturday night in Ogden, Utah.

With Islanders in the stands and hundreds of others watching on television at the Silver Fox Curling Club in Summerside, these young women put on a show that was at once both inspiring and chilling. It was certainly a nervous time for everyone because those of us who have been watching all week knew that the team Canada was playing in the finals was not only the defending world champion but the same team that had defeated Canada earlier in the week during the round robin. With steely determination, the young Canadian team overcame that mental obstacle and earned the world championship in the process.

The welcome the Canadian team received last night on their return to Prince Edward Island was quite emotional. I can only imagine what the official welcome-home celebrations will be like on Wednesday evening at their home Silver Fox rink in Summerside.

Honourable senators, I trust that you will join with me in recognizing this wonderful achievement. It is something these young women will remember for a lifetime, as will those who watched it unfold.

• (1410)

NEWFOUNDLAND

WORLD JUNIOR CURLING CHAMPIONSHIPS— CONGRATULATIONS TO MALE CHAMPIONS

Hon. Joan Cook: Honourable senators, I should like to add my congratulations to the women's team from Prince Edward Island. For me, of course, the pleasure is mine today because the Newfoundland junior curling team also won the championship in Ogden, Utah.

On Sunday the best young curler in Newfoundland stepped to the plate, and with the 2001 World Junior Curling Championship on the line, skip Brad Gushue delivered, giving Newfoundland its first ever official world championship in a team sport with a win of 7-6 over Denmark. The other members of the St. John's Curling Club rink are third Mark Nichols, second Brent Hamilton, lead Mike Adam, fifth Jamie Korab and coach Jeff Thomas. In the words of Mike Adam:

It's been an emotional week and when it's over, everything comes out, especially when they played the National Anthem. It's an incredible feeling, something I can't even describe. I'm still overwhelmed.

Honourable senators, special about their win was the fact that each of the curlers won the championship in front of friends and family. One of those was Ray Gushue, father of the skip. I am told that countless times during the week, the elder Gushue would shout, "Who let the dogs out?", and the appropriate response would echo from the Canadian section.

Honourable senators, on Sunday there were no great Danes out in Ogdén, just the Newfoundland pedigree and the Labrador retrievers.

CANADIAN INTERUNIVERSITY ATHLETIC UNION HOCKEY CHAMPIONSHIPS

CONGRATULATIONS TO THE
UNIVERSITÉ DU QUÉBEC À TROIS-RIVIÈRES

Hon. B. Alasdair Graham: Honourable senators, last weekend proved to be an extraordinary period for pure amateur sport in Canada. I join Senator Hubley and Senator Cook in congratulating those great curling teams from Prince Edward Island and Newfoundland that captured the ladies' and men's World Junior Curling Championships in Ogdén, Utah.

At the same time, I extend heartiest best wishes and a huge "Well done!" to the Université du Québec à Trois-Rivières, which captured the Canadian University Hockey Cup by defeating the X-men of St. Francis Xavier 5-4 in sudden-death, gut-wrenching, heart-stopping double overtime.

Honourable senators, I was physically present at the final game on Sunday in Kitchener. At the end of the first sudden-death overtime period, with the score still tied, I received a cell phone call from one of my sons who had caught a glimpse of me on TSN. "Sit down, Dad," he said, "and if by some miracle Dr. Keon is in the building, stick close to him."

I was obviously disappointed that the X-men did not capture their second straight national championship in one week.

[Translation]

Les Patriotes de Trois-Rivières merit congratulations from all Canadians on their well-deserved victory.

[English]

Again, we congratulate the CIAU, the hosts in Kitchener and Waterloo, and all the participating teams from the University of Alberta, Western Ontario, Wilfrid Laurier, UQTR, St. Thomas University, New Brunswick and St. FX. "Well done!" to all the university athletes and their coaches.

NOVA SCOTIA

BLUENOSE—EIGHTIETH ANNIVERSARY

Hon. Wilfred P. Moore: Honourable senators, yesterday marked the eightieth anniversary of the launch of the schooner *Bluenose* at Lunenburg, Nova Scotia. The vessel was christened by the late Audrey Smith, daughter of Richard Smith of the

shipbuilding firm Smith & Rhuland, of Lunenburg, and niece of the ship's legendary Master, Captain Angus J. Walters, also of Lunenburg.

Young Audrey was the only woman aboard *Bluenose* that morning, and little did she and all those in attendance know that they were witnessing the start of one of the most compelling sagas of maritime heritage — not just of Nova Scotia but of Canada and, indeed, the world. The ship and the pride she brought to Canadians is recognized by her image on the reverse side of our 10-cent coin.

As I mentioned to the townsfolk of Lunenburg during my address at a commemorative reception yesterday morning, we must continue to honour the design genius of William J. Roué, of Halifax, the skills of the shipwrights of Smith & Rhuland, and the high seamanship of the men who fished and raced in the *Bluenose* under Captain Walters.

By defeating all American challengers to win and retain the coveted International Fishermen's Trophy, these men sailed their magnificent ship into the hearts of Canadians forever. The legacy of *Bluenose* is one of pride and excellence, which continues today in her replica, *Bluenose II*, Nova Scotia's sailing ambassador of goodwill and Canada's recognized tall ship worldwide.

[Translation]

HEALTH

REPRODUCTIVE TECHNIQUES

Hon. Lucie Pépin: Honourable senators, just recently there have been media reports that the federal Department of Health was making plans to introduce a bill, probably this May, on reproductive techniques. It will focus on a timely issue, that of the cloning of human beings, that is, the possibility of producing an identical reproduction of an individual without combining sperm and egg.

I am delighted to learn of this initiative planned by our government. Some international experts have in recent weeks, under the guise of a desire to help sterile couples to have children, confirmed their intention to be the first researchers to clone human beings, within the next two years. This is not very reassuring, when we know that cloning is still in its very early stages.

Unlike other countries, Canada does not yet have a legal and scientific framework to regulate genetic and reproductive manipulations. It cannot be other than reassuring that it has finally reached a decision on this! It is time we decided to take action in this important area. Far be it from me to state that these advances in biotechnology represent nothing but disadvantages to humanity. Acceptable as it may seem to be to use embryonic cells for therapeutic and scientific purposes, it is equally unacceptable for human beings to be cloned. As the French academic Jean-Jacques Salomon has said, scientists may have a calling to develop such techniques, but it is absolutely not their role to control their use. We must, therefore, define the scientific and moral limits.

I would remind this house that we lack a legal context for these questions not because we have not thought about it. In October 1989, the federal government set up a Royal Commission on New Reproductive Technologies chaired by Dr. Patricia Baird. The commission, which tabled its final report on November 15, 1993, had been charged with conducting a thorough investigation of scientific and medical progress and evaluating their consequences. In order to carry out this investigation, the Baird commission did research and critical analyses on these techniques and consulted and questioned Canadians. This wide-ranging study revealed that legislation prohibiting reproduction technologies that are contrary to the ethics and values of Canadians is needed. The Baird commission also recommended the government create a national reproductive technologies commission, which would be the regulatory body overseeing research, technologies and practices in this sector.

Honourable senators, I would hope that the next bill of the Minister of Health is not just wishful thinking and that it will be introduced in the House soon. This bill will draw on, I hope, the data and opinions underlying the 293 recommendations by the Baird commission, which did an excellent job. It is time, honourable senators, that these recommendations were put into effect.

[English]

SUDAN PEACE PROCESS

Hon. Lois M. Wilson: Honourable senators, last week I was in Rome, as Canada's special envoy, attending meetings concerning the formal peace process in Sudan. The International Partners Forum, IPF, where I represent Canada, supports the IGAD — an African consortium of countries of the Horn of Africa that has extended its efforts beyond development to the peace process in Sudan. Approximately a year and a half ago, a secretariat was established in Nairobi, Kenya, funded by the International Partners Forum and charged with acting for IGAD in formal peace negotiations.

Although both warring parties have agreed to a 1994 Declaration of Principles, a number of stumbling blocks remain. The north insists on combining religion and the state, and the south insists on self-determination.

Last night, honourable senators may have seen the CBC documentary on Canadian oil exploration in Sudan. Now both France and Sweden are poised to join in oil exploration and more investment. There is not much evidence that either side in the civil war is earnest about a formal peace settlement.

The core countries of IPF, of which Canada is one, delegated the two co-chairs from Italy and Norway, along with the envoy

from the United States, to visit Kenya in the fall and deliver a message that more political involvement is required of IGAD foreign ministers and heads of state to strengthen the peace negotiations. Further, it is acknowledged that the authority of the Kenyan Secretary must be strengthened commensurate with the responsibility he had been given and that intense political pressure be applied to both parties to the conflict to negotiate in good faith. A response was requested prior to our IPF meeting in Rome last week, but no such response has been received.

• (1420)

Finally a ray of hope emerged. Mr. Godana, the Foreign Minister of Kenya, came to address us in Rome. He assured us that there had been some convergence in the fourth round of talks last November, but there is still disagreement as to the exact nature of the future unified state as between a federal or confederate state. Accordingly, these issues would be deferred to the IGAD subcommittee ministerial committee. President Moi of Kenya has made a public statement intended to push the process forward, and after consultations with the President of Sudan in the next week or two, would push for a summit of the IGAD committee on Sudan.

IPF participants agreed — and this is the crunch — that consideration of further funding by the International Partners Forum — and that includes Canada — will depend on the positive outcome of the expected summit of the IGAD committee on Sudan and its substantive decisions on the peace process.

Therefore, we left Rome with slightly higher hopes this time. Canada continues to support IGAD and the DOP but expects much more political will to be demonstrated in view of the continuing horrendous human suffering in Sudan. Canada and our partners indicated that our patience is being sorely tried.

WORLD FIGURE SKATING CHAMPIONSHIPS

CONGRATULATIONS TO PAIRS CHAMPIONS

Hon. Joyce Fairbairn: Honourable senators, as we cheer on our young curlers and hockey players today with great enthusiasm, I would ask you also to share that enthusiasm for a young couple who dazzled the world by winning the gold medal in the pairs competition at the World Figure Skating Championships in Vancouver. Jamie Salé from Alberta and David Pelletier from Quebec, with their skill, their excellence, their grace and their spirit, captured the hearts of tens of thousands who flocked to see them, plus television audiences around the world.

They are treasures of our country and I know they will do us proud, as will our other skaters, at the Olympics in Salt Lake City next year.

Also, congratulations to Skate Canada and the City of Vancouver, which showed the world exactly how to host a huge event like this with class and style. Canada stands alone in showcasing figure skating to the world.

[Translation]

ROUTINE PROCEEDINGS

AGREEMENT ON KANESATAKE GOVERNANCE OF THE INTERIM LAND BASE

TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour to table, in both official languages the Agreement on Kanesatake Governance of the Interim Land Base, reached by the Mohawks of Kanesatake and Her Majesty in Right of Canada, signed December 21, 2000.

[English]

PROPERTY QUALIFICATION OF SENATORS

REPORT TABLED

The Hon. the Speaker: Honourable senators, I wish to inform the Senate that, in accordance with rule 136 of the *Rules of the Senate*, the Clerk of the Senate has tabled the list of senators who have renewed their Declaration of Property Qualification.

(For text of report, see today's Journals of the Senate.)

[Translation]

ADJOURNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, March 28, 2001, at 1:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

KANESATAKE INTERIM LAND BASE GOVERNANCE BILL

FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government): presented Bill S-24, to implement an agreement between the Mohawks of Kanesatake and Her Majesty the Queen in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

[English]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT MEETINGS OF DEFENCE AND SECURITY, ECONOMIC
AND POLITICAL COMMITTEES FROM FEBRUARY 17 TO 21,
2001—REPORT OF CANADIAN DELEGATION TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table the second report of the Canadian NATO Parliamentary Association which represented Canada at the joint meeting of the Defence and Security Committee, the Economic Committee and the Political Committee of the NATO Parliamentary Assembly held in Brussels and Paris from February 17 to 21, 2001.

[Translation]

THE AUDITOR GENERAL

MR. DENIS DESAUTELS—NOTICE OF MOTION
TO SEND MESSAGE TO HOUSE OF COMMONS

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that tomorrow, Wednesday, March 28, 2001, I will move:

That a message be sent to the House of Commons requesting that House to support the contents of the following motion adopted by the Senate on March 22, 2001:

That, in the opinion of the Senate, Mr. Denis Desautels has been an excellent Auditor General of Canada. Scrupulously honest, professional, fair-minded and a determined investigator, Mr. Desautels carried out his duties as Auditor General efficiently and effectively. During his ten-year term, he not only verified the government's accounts but also was able, thanks to his leadership, to lead a team as professional and dedicated as himself. The Parliament of Canada thanks Mr. Desautels for his services and recognizes the valuable work he has done for his country.

[English]

FOREIGN AFFAIRS

AUTHORITY TO MEET DURING SITTING OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 4:30 p.m. Tuesday, March 27, 2001, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Motion agreed to.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

NOTICE OF MOTION

Hon. Shirley Maheu: Honourable senators, I give notice that on Thursday, March 29, 2001, I will move a resolution on the recognition and commemoration of the Armenian genocide.

NATIONAL DEFENCE

QUALITY OF FAMILY LIFE IN THE MILITARY— NOTICE OF INQUIRY

Hon. Erminie J. Cohen: Honourable senators, I give notice that on Tuesday next, April 3, 2001, I will call the attention of the Senate to the quality of life in the military family and to how the quality of life is affected by government actions and by Canadian Forces policy.

• (1430)

QUESTION PERIOD

TRANSPORT

PRIVATIZATION OF MONCTON AIRPORT

Hon. Brenda M. Robertson: Honourable senators, my question to the Leader of the Government is a follow-up to my February 20 question regarding the 1997 agreement to privatize the Moncton airport.

As the minister knows, the Moncton Airport Authority was the first in the Atlantic region to sign an agreement with Transport Canada to privatize its facility. This agreement was characterized by the Auditor General as not as good as agreements signed by other airport authorities in the region later on.

Transport Canada met with Moncton airport officials on February 8, which enabled Moncton to make the case to renegotiate the deal to put the Moncton airport on a level playing field with other privatized facilities in the region.

The honourable leader's response to my question by way of delayed answer was:

A decision on the need to re-negotiate the deal that privatized the Greater Moncton Airport will be made only once the Department has completed reviewing similar agreements across the country.

Would the Leader of the Government make inquiries as to when the review will actually be completed? Who is doing the review? What is the mandate of the review? Will an opportunity be provided to the Greater Moncton Airport Authority to make a further intervention in view of any preliminary findings of those doing the review?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I wish to thank the honourable senator for her question. I am sure she knows that I do not have the answers at my disposal, but I will try to find out when the review will be completed, who is conducting it, what is the mandate and whether the airport authority will be able to make a further intervention.

FOREIGN AFFAIRS

INTERNATIONAL DEVELOPMENT RESEARCH CENTRE— WITHDRAWAL OF AID TO SOUTH AFRICA

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the International Development Research Centre, the IDRC.

The honourable leader will know that the IDRC is a small technical assistance agency that spends about \$85 million in parliamentary appropriations annually. Reports indicate that it is now getting ready to pull out of South Africa.

Honourable senators, in 1994 I attended the first ever democratic elections in South Africa. Following those elections, Canada's IDRC provided expertise in helping to design, draft and implement many of the key economic and social policies that were essential to the peaceful and rapid democratic transition. Reports also indicate that over one-half of President Mandela's first cabinet benefited directly from IDRC's support in preparing to assume office.

Why is the Government of Canada withdrawing this support? Why is the Government of Canada withdrawing support of all kinds from English-speaking Africa? Why is the Canadian government withdrawing support at a time when South Africa needs Canada's guidance and assistance more than ever before?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I wish to thank the honourable senator for his question. The International Development Research Centre has done excellent work in South Africa. When I went to South Africa with the newly elected members of provincial legislatures to conduct seminars sponsored by the Parliamentary Centre, I had a first-hand glimpse of the excellent work being conducted at that particular time.

With respect to the honourable senator's specific question as to why we are pulling out of South Africa and the broader question of why we are pulling out of English-speaking Africa, I cannot give the honourable senator answers today. However, I will pursue the answers to those questions, both for his interest and for my own.

Senator Oliver: As a supplementary question, the honourable leader will know that South Africa has achieved the impossible dream of peaceful democratic revolution. Surely, Canada will want to assist in making this dream a reality indefinitely.

When the honourable leader makes her inquiries, will she take steps to persuade the government to reinstate the plan for aid from IDRC for another 10 years or so in South Africa?

Senator Carstairs: Honourable senators, I thank the honourable senator for not only his question but also his statement. What has gone on in South Africa is quite remarkable considering the problems it was facing and the enormous strides it has made in the peaceful achievement of a democratic resolution. All of us who gathered in the other place to hear from the Honourable Nelson Mandela want to see that mandate continued. I can assure the honourable senator that I will do my best to ensure that the government's funding is ongoing.

CIVIL WAR IN SUDAN—
INVOLVEMENT OF TALISMAN ENERGY INC.—PEACE PROCESS

Hon. A. Raynell Andreychuk: Honourable senators, I wish to raise the issue of Sudan. I was pleased that Senator Wilson made her statement and report as to the progress of what has been referred to as the Track II concept supporting the political process that allegedly is taking place with respect to settling the issues in Sudan.

I support the comments coming out of the Track II Diplomacy Project, namely, that IGAD has been meeting year in and year out and that there has been little progress. It would take an impetus from the international community to get that process back on track and to have it taken seriously by all of the perpetrators and actors in Sudan.

However, I am terribly confused as to what the Canadian position is with respect to Sudan. Earlier last week, one minister indicated that Canada does not support Talisman's position in Sudan. It appears that another minister is contradicting that position. I should very much like to know the formal Canadian position with respect to businesses that presently find themselves in Sudan.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, The issue of Sudan and, in particular, the situation of Canadian businesses operating in Sudan is not a question about which I have any information today. I will attempt to obtain that information for the honourable senator.

Senator Andreychuk: This is a significant issue. In watching the documentary yesterday on the CBC, I understand that tonight we will have the benefit of ex-Minister Axworthy's position on Sudan. As my honourable friend will recall, Minister Axworthy originally said that there should be no oil exploration and that he was not in favour of companies making a profit at the expense of the citizens of southern Sudan.

Further statements were made that Canada would not support the money from oil revenues going to the military and to the government's unfair advantage — if I can call it that — in peace negotiations, thus threatening the lives of citizens.

I hope that in the reply given by the Leader of the Government I will also learn what Canada's formal position is with respect to the peace process and what leadership Canada will take regarding that situation.

Having had the benefit of department briefings yesterday and of comments made by members of Parliament who have just returned from Sudan, it is clear to me that certain NGOs have information and positions with respect to Sudan. Businesses such as Talisman have a position with respect to Sudan, but there appears to be very little consistent information from the Canadian government as to its position on Sudan. I believe that this is unfair to Talisman and the companies working there, as well as to the NGOs that are attempting to support humanitarian endeavours in Sudan.

• (1440)

It is time for the Canadian government to come forward with a clear and definitive position on Sudan, one that all ministers will support and that does not hide behind the good works of the Track II process, which, after all, is not the official negotiating peace process in which Canada should be involved.

Senator Carstairs: Honourable senators, I thank the honourable senator for her question. The honourable senator wants to know the official Canadian position on Sudan. The position that has been expressed to date is that Canada would like to see peace in Sudan. However, if there is a more detailed policy initiative, then I will try to obtain it for the honourable senator.

Senator Andreychuk: Honourable senators, Canada was very much involved in the promotion of the IGAD process and supported it both directly and indirectly. Over the years Canadian government funds have gone into that process. At this point, it is extremely critical that the parties to the peace process and that Sudan's neighbours be encouraged to move on it. It simply cannot go on. Millions of people have been killed in Sudan, something which has literally gone unnoticed. It cannot continue.

We have focussed on Congo. Some of the players involved in the situation in Congo are also involved in the Sudan. Canada can ill afford to look at the process in Sudan without looking at the process in the Congo, while developing a clear, definitive policy toward those countries.

Canada has an excellent reputation in Africa where we have played a leadership role. We took the initiative in Ethiopia. We did not wait for our European, African or American counterparts. We took the lead in suggesting possible peace initiatives and possible measures to protect civilians. We have literally abandoned Africa, and it is time to review this situation and to see some leadership from Canada in the peace process in Sudan and in the neighbouring regions.

Senator Carstairs: Honourable senators, Canada has not abandoned Africa. The honourable senator is quite right in saying that Canada has an excellent reputation. It is a reputation we want to continue to maintain in Africa.

If there is any further information, I will get it for the honourable senator. I will certainly make representations to the Foreign Affairs Minister with respect to the issues that she has raised in the Senate chamber this afternoon.

[Translation]

OFFICIAL LANGUAGES

PUBLIC SERVICE—UNDER-REPRESENTATION OF FRANCOPHONES AT DEPUTY MINISTER LEVEL

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate. The media report that francophones are still under-represented in the senior levels of the federal public service.

According to certain journalists, including Vincent Marissal of *La Presse*, there is a growing linguistic imbalance in the federal public service. The level of bilingualism among anglophones varies from non-existent to good, but all deputy ministers require their correspondence in English.

This same article says that routine business in the senior levels of federal departments is conducted almost exclusively in English. English dominates everywhere.

Given the recent announcement that an in-depth review of the Public Service Employment Act and the Public Service Staff Relations Act is planned, will the minister find out whether Part V of the Official Languages Act with respect to language of work is still a priority for the government, and report back to us? If it is, might we soon look forward to government initiatives which will allow Canadians to work in the federal government in their mother tongue, and which will guarantee equitable service in both official languages throughout the country?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. It is clear that there have been significant improvements in the representation of francophones at the senior levels of the public service. Historically, for example, more than 25 per cent of deputy ministers and associate deputy ministers have been francophones. At the present time that figure is at 28 per cent. Of the 35 CEOs of Crown corporations appointed by the Governor in Council, that figure has increased to 31.4 per cent. Of the 77 heads of federal agencies appointed by the Governor in Council, there are now 24 francophones, or 31.2 per cent.

There are significant improvements. Do we have that kind of level of representation in every single department? No, we do not. It is a goal that we must work toward until we achieve it.

[Translation]

Senator Gauthier: Can the minister tell us whether there will be a reorganization at the deputy minister level in the future? Right now, five deputy ministers out of 28 are French-speaking. This is not 25 or 30 per cent she mentioned. There are 150 assistant deputy ministers and, for two years now, they have all been bilingual. This is not an eternity! Will there be changes with respect to the representation of deputy ministers in order to ensure that these people, who are the bosses, can understand and work in both official languages of this country?

[English]

Senator Carstairs: Honourable senators, perhaps if I repeat the figures it will make things clear. At the present time, there are 57 deputy ministers, associate deputy ministers and PCO deputy secretaries to cabinet. Some 16 of them are francophone; that is 28 per cent.

TRANSPORT

AIR CANADA—DISCUSSIONS WITH CANADIAN AIRLINES PILOTS ON SENIORITY—EFFECT ON SAFETY

Hon. Donald H. Oliver: Honourable senators, Senator Forrestall cannot be here today and has requested that a question be asked of the Leader of the Government in the Senate on the topic of transportation.

Senator Forrestall is somewhat concerned about suggestions that the merger discussions and negotiations between Air Canada and Canadian Airlines pilots on seniority issues are not proceeding in an equitable fashion. This could threaten flight safety, for example, when an Air Canada pilot with three years seniority outranks a pilot formerly with Canadian with 10 years seniority.

Will the Leader of the Government assure Canadians that this merger will address the seniority issue as it relates to harmony on the flight deck between flight crew members and not compromise flight safety?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, clearly, safety is the number one issue. Within that particular limitation, we have some ongoing internal issues concerning labour negotiations between the merged airlines. The government will not directly interfere in that particular dispute. That is for the two unions and management to work out, hopefully, in some harmony.

As to the question of safety raised on behalf of Senator Forrestall, I will raise the question with the Minister of Transport and indicate to him that Senators Oliver and Forrestall — and I dare say all members of this chamber — want to ensure that safety is in no way compromised.

TREASURY BOARD

PUBLIC SERVICE—REPRESENTATION OF VISIBLE MINORITIES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, my question is directed to the Leader of the Government in the Senate.

I wish to develop another dimension of the question raised by the Honourable Senator Gauthier. Last week, we had the unseemly spectacle of the Minister of State for Multiculturalism fighting imagined issues of racism when there are so many real issues to be addressed on an ongoing basis.

One of those areas is the area of systemic discrimination for which the government's program, which I laud, of employment equity in the public service is a part. To pick up from where Senator Gauthier brought us, in the renewal of the public service, in particular at the cadre beyond the PM-5 level to the cadre of deputy ministers and directors general, et cetera, will it be the policy of the government to set a clear goal to increase the participation of visible minority public servants?

• (1450)

Currently, the percentage of participation is negatively out of proportion to the gains made in the public service at large. Participation at the senior level is low and, indeed, the general participation rate is about half of what the general statistics on population indicate it should be.

Hon. Sharon Carstairs (Leader of the Government):

Honourable senators, there is no question that the representation in terms of employment equity, in particular for visible minorities and for Aboriginal people in this country, has not met the goals set. That is due, in part, to the lack of jobs in the public sector open to general competition.

The renewal process is now underway and more positions are being opened for general competition, and the employment equity provisions will prevail. It is our hope — certainly mine and yours — that it will result in the hiring of more members of visible minorities and the Aboriginal community.

Honourable senators, I should like to broaden it further. There is a senator on that side with whom I have a particular affinity on the issue of people who suffer from physical and mental handicaps. This group is also highly under-represented in our greater public service community. I am hoping that the employment equity provisions will also be sufficiently inclusive that those people will be considered as well.

[Translation]

of the allocation process for grants and the role of the minister with regard to approval.

CANADIAN BROADCASTING CORPORATION

FUNDING AND MANDATE—COVERAGE OF ALBERTA PROVINCIAL ELECTION

(Response to question raised by Hon. Ethel Cochrane on March 14, 2001).

— As Canada's national public broadcaster, the CBC is the only news organization with a presence throughout the country in both official languages. Journalistic leadership is one of the CBC's greatest strengths. CBC regional operations provide Canadians in all parts of the country with windows on events throughout Canada.

— With respect to the recent Alberta election, Canadians across the country were provided with one and a half hours of election coverage on CBC Newsworld. In Alberta, CBC TV carried a full evening of coverage. In addition, there was complete coverage of the election on the CBC's website where, for the first time, there was live streaming video of the Alberta show.

— Newsworld began its coverage with the first half-hour of the local CBC news program from 8 to 8:30 p.m. Mountain Time (10 - 10:30 p.m. Eastern Time), which included the announcement of a majority Klein government. As local coverage focused on individual riding results, Newsworld cut away for 45 minutes to broadcast a previously promoted program while local CBC stations in Calgary and Edmonton carried on with complete local coverage. At 9:15 p.m. Mountain Time (11:15 p.m. Eastern Time), Newsworld returned to the Alberta election for about an hour including live coverage of the victory speech by Premier Klein.

— The CBC is an autonomous Crown corporation guaranteed journalistic, creative and programming independence under the *Broadcasting Act*. Accordingly, the CBC is responsible for all aspects of its operations.

— Within the new, globalized communications environment, the Government believes that the CBC will continue to occupy an important place in the lives of all Canadians.

— As articulated most recently in the Speech from the Throne, the Government remains committed to a strong national public broadcaster, and will support the CBC so that it can continue to fulfil its special obligations to all Canadians.

— Over the past five years, the Government has provided the CBC almost \$4.5 billion in Parliamentary appropriations. Through the Main Estimates tabled in Parliament last month, the CBC will receive Government appropriations in 2001-2002 totalling \$922,975,000. The CBC also has access to the Canadian Television Fund, via independent producers.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government):

Honourable senators, I have three responses, the first one to a question raised by the Honourable Senator Cochrane on March 14, 2001 on the coverage of the Alberta provincial election, and the other two to questions raised by the Honourable Senator Nolin on February 6 and 7, 2001 on Canadian heritage, the Auditor General's report on the efficacy

CANADIAN HERITAGE

[English]

AUDITOR GENERAL'S REPORT—
EFFICACY OF ALLOCATION PROCESS FOR GRANTS—
ROLE OF MINISTER WITH REGARD TO APPROVAL

(Response to questions raised by Hon. Pierre Claude Nolin on February 6 and 7, 2001)

The Department of Canadian Heritage implemented a department-wide management initiative to address in particular the management of Grants and Contributions in June 1999. This included:

- the establishment of the Integrated Planning and Reporting Renewal Exercise resulting in a new set of strategic objectives to guide all programs and activities,
- implementation of a Grants and contributions Information Management System (GCIMS), provision of due diligence training to all program staff, and
- a systematic approach to review all grant and contributions program terms and conditions over the next three years to ensure their alignment with the strategic objectives.

The Department of Canadian Heritage completed an internal audit in 2000 to assist the follow-up work of the Auditor General. This audit has been publicly available since late December. Its findings led to an acceleration of action already underway in the department.

The department has responded to the findings of the Auditor General by developing and implementing concrete measures and a set of comprehensive directives to assist project officers in evaluating project requests.

The Auditor General did not identify the three projects to which he referred in his audit report. Nevertheless, the AG questioned the financial instruments being used in a number of cases. The department took immediate steps to address this finding by issuing a directive specifically intended to clarify the choice of funding instrument and this directive took effect on December 20th, 2000.

The Secretary of State (Multiculturalism)(Status of Women) has full authority to approve Multiculturalism Grants and Contributions.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

“Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with whom we share planet earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security, can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a “common purpose” to this country — to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government's blueprint for this country's future is a plan to strengthen Canada's communities, build a vibrant economy, and govern with integrity.

Strengthening Canada's communities

Canadians feel that the fabric of Canada's communities and institutions has been weakened in recent years.

Canadians' faith in their healthcare system has been shaken. Healthcare cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada's social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government's Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels. This would restore completely the health and post-secondary education dollars cut from transfers to provinces.

- Add a sixth principle to medicare — guaranteed stable and predictable long-term healthcare funding — through legislation. Never again will a government be able to scoop billions of dollars out of health care.

- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.

- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.

- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.

- End the taxation of scholarships awarded to students in colleges and universities.

- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.

- Replace the federal Young Offenders Act with new legislation that reflects the principles of protection of the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice.

- Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

- Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners, that the new economy demands we reward investment, innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians — those least able to pay taxes — from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.

- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.

- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt — the mortgage on our children's future — within 25 years, and pay down the principal on the debt by \$25 billion over the next five years.

- Implement an annual "Red Tape Budget" detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- Work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they are elected.

My government would restore integrity to the governing of Canada by increasing the democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive "whistle-blower" legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the quality of life of armed forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us towards a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

- We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It's their money, and we want to leave it up to them to save, spend or invest as they see fit.

- Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

- We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable Members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations."—(*Pursuant to Order adopted March 1, 2001—1 sitting day remaining*).

Hon. Marjory LeBreton: Honourable senators, I am most honoured to participate in the Speech from the Throne debate. Like others before me, I wish to add my congratulations to His Honour, on his appointment. I also wish to congratulate the leadership on both sides of this chamber, in the case of the government side, on being appointed, and in the case of our side on having their previous elections confirmed.

Honourable senators, never in the history of our great country has there been a time when parliamentary reform and honesty and integrity are more important or necessary. Time and again, the latest occasion being my first question in the first question period of this new Parliament, I have asked a simple basic question that required a simple "yes" or "no." I cited the ongoing controversy concerning the Auberge Grand-Mère and the Grand-Mère golf course in Shawinigan, Quebec as the basis of my question:

Will the Leader of the Government in the Senate ask the Prime Minister if, first, the government will consult with all party leaders in the House of Commons, and then, two, appoint an ethics counsellor who will be responsible to and report to Parliament and only to Parliament?

The government leader responded:

The Prime Minister has appointed an ethics counsellor who has been in place since Mr. Chrétien became the Prime Minister. He made the decision that Howard Wilson would report directly to him. His view, quite frankly, is that he is ultimately responsible for the integrity of his ministers. He, and he alone, has the power to put them in office and to remove them from office. They, therefore, have their integrity to respond to him. That is the basis on which the ethics commissioner is in place. I see no change in the immediate future.

Honourable senators, as a supplementary, I asked if the government would reconsider. The government leader replied:

The simple answer is, not at this time. The standard that the Prime Minister has set on integrity in this government since 1993 is extraordinarily high and could stand up to the reputation of any proceeding government.

Honourable senators, that response was not surprising. We had heard it many times before, and we have heard it many times since, *ad nauseum*, I might say. The answer is a canned response prepared by the PMO to be used by the Prime Minister's apologists.

It is, therefore, not surprising that the Speech from the Throne was devoid of any commitment to parliamentary reform or honesty and integrity, other than a silly proposal to modernize voting procedures. This would allow the herd of Liberal sheep to cast their votes and not have to show their faces.

In the recent federal election, my party put before Canadians a comprehensive policy with a clear commitment to parliamentary reform, which committed itself to the restoration of the power of

Parliament and, specifically, to individual MPs who seek to hold the government accountable. I will read a portion of that policy into the record. It had two components, one for the House of Commons and another for the Senate. I will read that which relates to the House of Commons:

The House of Commons is in need of reform. Parliament must be made more relevant and meaningful for Canadians. We believe in responsible government and representative democracy. Unfortunately, the influence of the individual Member of Parliament has significantly eroded. This damages Canadian democracy. To repair that damage, we must reassert the power of the individual MP to effectively represent the interests of constituents and play a meaningful role in the development of public policy.

It is time to bring meaningful reform to the House of Commons to enable members to participate effectively in the policy making process and have the tools necessary to hold the government accountable.

A Progressive Conservative government would restore power and democratic accountability to Parliament and strengthen the role of the Members of the House of Commons by allowing more free votes and restricting some of the appointment powers of the Prime Minister.

A Progressive Conservative government would restore Parliament's ability to hold the government accountable for its spending by allowing a certain number of government departments, chosen by the Opposition, to have their estimates scrutinized by Parliament, without a time limit.

- A Progressive Conservative government would introduce comprehensive whistle-blowing legislation.

Honourable senators, that subject is now the subject of a Senate bill sponsored by my colleague Senator Kinsella.

- A Progressive Conservative government would initiate a process whereby Members of the House of Commons would only be able to vote on pay and benefit changes to their remuneration that take effect after a subsequent election.
- A Progressive Conservative government would require the Ethics Commissioner to report to Parliament, instead of to the Prime Minister as is currently the case.

Honourable senators, I also wish to refer to "The Sixth Report of the Committee on Standards in Public Life" from the mother of Parliaments — Westminster. In this rather large document, which was prepared in January, 2000, procedures and recommendations for proper standards in public life were reviewed. Seven principles were set out. These should serve as beacons for each and every one of us to follow as we work on our service to the public.

The seven principles are:

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards or benefits, holders of public offices should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

Honesty: Holders of public office have a duty to declare any private interest relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

• (1500)

Honourable senators, if only this were so. On behalf of the Canadian public, we parliamentarians should be dismayed and outraged that the Prime Minister and government have moved the bar of accountability to all-time lows. There is no such thing as ministerial accountability. The Prime Minister answers to no one, and it would be hard to imagine a situation whereby a minister is dismissed for inappropriate behaviour.

The Leader of the Government in the Senate, in her lecturing defence of the Prime Minister, said:

...the standard that the Prime Minister has set on integrity...is extraordinarily high and could stand up to the reputation of any preceding government.

The question is: Who judges the Prime Minister? For who can possibly claim that they support the Prime Minister's stonewalling tactics or, worse, the excessiveness of his apologists, specifically the Minister of Industry, who resorts to personal insults and innuendoes, or the Deputy Prime Minister and the Government House Leader, who deploy diversionary

tactics to throw Parliament, the public and the press off the track in pursuit of the truth?

In answer to a question to the Right Honourable Joe Clark a few weeks ago, the Prime Minister reverted to just such a tactic by saying that Mr. Clark was jealous because the government that he was part of had "a scandal every month." I was not surprised. It was yet another example of prime ministerial distortion — a tactic of which he, pardon the pun, makes liberal use.

Parliamentarians and members of the media and, through them, members of the public have been subjected to every tactic imaginable by the propagandists and apologists, who take their marching orders from the Prime Minister or his praetorian guard over in the PMO. Any tactic to confuse the public, divert attention or simply misinform is used to attempt to shut down debate. As is evident in this latest scandal, and "scandal" is the correct word, we are seeing many examples of that.

When the opposition demands that the government honour its commitment to name an Ethics Counsellor answerable to Parliament, we are treated to lectures, such as the one that I received from the Leader of the Government in the Senate, or this whopper from that old ratpacker himself, now Government House Leader in the other place. In response to the Alliance motion in the other place, which used the exact words of the Liberal Red Book promise as it applied to the Ethics Counsellor, this is what Mr. Boudria said:

We will not apologize for our record on integrity. We will not apologize for meeting or exceeding our Red Book commitment. We will not apologize for having an independent Ethics Counsellor.

Mr. Boudria actually said that with a straight face.

On March 22, 2001, the *Ottawa Sun* ran a story about the Prime Minister's "blathering rant," as one Liberal insider described it, at the weekly Liberal caucus meeting, where the Prime Minister described the Right Honourable Joe Clark as "a pebble in his shoe" and painted Mr. Clark as a desperate man. In that caucus meeting, it was reported, and I quote from the article:

Mr. Chrétien felt the need to repeatedly remind his MPs that 'I am not Mulroney,' said several Liberals who attended and asked not to be identified.

Well, Mr. Prime Minister, I seldom agree with you, but I say to you now that you are right; you are not Mr. Mulroney. When Mr. Mulroney was Prime Minister, he believed in ministerial accountability. Ministers' resignations were demanded for what now, using the Chrétien criteria, would have been simple errors in judgment. A mere apology, and sometimes not even that, would have ended the matter.

In the one case where there was an appearance of a conflict not unlike the situation we now face with the Grand-Mère case, a public inquiry was called and the whole matter was scrutinized in every minute detail by Mr. Justice Parker.

Let us look at a few of these and then ask ourselves what would have happened to these ministers if the Chrétien criteria had been followed.

Do you think a Chrétien minister would lose his job as Minister of National Defence if he went to a bar while on business in West Germany?

If the Honourable John Fraser, Minister of Fisheries and Oceans, had been a Liberal minister and had overruled bureaucrats regarding the sale of tuna, which was not of the best quality but hardly "tainted," would he have been removed from his post by Mr. Chrétien?

Would the Honourable Marcel Masse, who was Minister of Communications, have been forced to step aside because of an alleged violation of the Canada Elections Act? He was, for the record, reinstated when the matter was resolved and no irregularities were found.

Would the Prime Minister have asked for the resignation of the Minister of Supply and Services when it was revealed that he had contravened the conflict of interest guidelines by failing to report a personal loan? Obviously not.

How would he have dealt with the Minister of Consumer and Corporate Affairs who seriously injured himself when he crashed his motorcycle through a fence and plead guilty to drinking and driving?

Would the Prime Minister have asked for the resignation of the Minister of State for Youth, Fitness and Amateur Sport for calling a judge about a case in which the judge was ruling regarding a coach who wished to participate in the upcoming Commonwealth Games? Hardly, because the Prime Minister, as was recorded in a book written about him, had done the same thing himself earlier in his career.

How would the Prime Minister have responded when the Minister of State, in a puzzling personal lapse in judgment, violated the Aeronautics Act at the Ottawa International Airport by joking about a firearm?

Would he have demanded the resignation of the Minister of State for Transport who was the subject of an RCMP investigation into apparent land speculation in his riding? Prime Minister Mulroney certainly did. For the record this person was cleared in a court of law.

Honourable senators, the answers are obvious. Ministerial responsibility and accountability are no longer the expected high standard of government.

Senator Bryden: Were there really that many Tory ministers who needed to be dismissed? I had forgotten.

Senator LeBreton: The point I am making is that none of them would have been dismissed.

The answers are obvious. Ministerial responsibility and accountability are no longer the rule and the expected high standard of governing is but a distant ideal.

Honourable senators, one wonders what Mr. Pearson or Mr. Trudeau would have said about this lack of public accountability. As Gordon Robertson, one of Canada's most respected public servants and a former Clerk of the Privy Council, said, "this Prime Minister has lowered the bar," and he was referring to the ethics bar.

By way of example with regard to Mr. Chrétien's ministers, nary a word in protest was raised when it was revealed that Minister Roy MacLaren had signed a letter to businessmen offering meetings in exchange for donations to his riding association.

Minister John Manley mishandled the tainted fish sauces issue by publicly denying any knowledge of it, even though a leaked letter showed that he had been aware of it for several months prior to his denial. Oh, were it that John Fraser had been a minister of the Chrétien government.

Regarding Minister Michel Dupuy, it was revealed that a select group of businessmen who had direct dealings with the government paid \$2,000 each to attend a private dinner with him, and the funds were used to help pay off his 1993 election campaign debts.

Minister David Dingwall changed the terms of a federal-provincial highway agreement in order to divert \$26 million to his own riding. There was also a probe to investigate the reasons why a \$1.5-million contract for a business development centre in Sydney was revised, allowing a prominent Liberal and a close friend of the Prime Minister's, Louis Freedman, to win the contract.

In Minister David Anderson's riding, three law firms were handed the job of prosecuting drug dealers. The lawyers were all key Liberals, two of whom served on Mr. Anderson's riding executive.

Minister David Collenette paid a former election campaign volunteer nearly \$100,000 to help smooth relations with the Greek-Canadian community in his Toronto riding.

Minister Ethel Blondin-Andrew improperly used government credit cards for large sums of personal expenses, including trips and the purchase of a fur coat.

Minister Sergio Marchi breached conflict of interest guidelines by sending a letter to the Immigration and Refugee Board in 1995. After reviewing the case, the Liberal Ethics Counsellor, Howard Wilson, said that nothing was done wrong.

The Hon. the Speaker: Honourable Senator LeBreton, I regret to advise you that your 15 minutes have expired. Does the honourable senator wish leave to continue?

Senator LeBreton: Yes, Your Honour.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator LeBreton: Honourable senators, an internal audit showed that Minister Jane Stewart's department bungled \$1 billion in job creation funds. Even the urgings of *The Toronto Star*, which said that "the minister should resign over the fiasco," did not pierce the Prime Minister's armour of stone.

The most recent example relates to Minister Hedy Fry, who has, for the second time, cited mythical references to cross burnings in Peace River. She said that this previously occurred in Kamloops. Neither occurrence has been proved, and it is now revealed that she sought evidence after the fact to back up her false claims, and this information from the RCMP, no less. There has been no response from the Prime Minister.

• (1510)

What is the Prime Minister talking about when he promises honesty, integrity and ethical behaviour? I dare say that this is a figment of his imagination, just like his talks with his homeless friend on the street corner.

The Webster dictionary definition of "ethic" is as follows:

the discipline of dealing with what is good and bad and with moral duty and obligation; the principles of conduct governing an individual or group.

It is no secret that public cynicism about politics and politicians is at extremely high levels. Even during the fall 2000 election, an Ipsos-Reid poll found that 24 per cent of Liberal supporters considered the government arrogant and corrupt. Therefore, the questions must be asked: Is it ethical? Are you being honest? Are you conducting yourself with integrity?

You must ask yourself all of these questions when you promise to scrap the GST and do not; cancel the Free Trade Agreement and do not; make spurious allegations against your predecessors with regard to Pearson airport; ask a close friend to conduct a "quickie investigation" to back up your false allegations and then break lawful contracts signed by the government at a cost of \$1 billion to the Canadian taxpayer. Today, honourable senators, Pearson is still a mess and the public is being forced to pay passenger service charges of \$10 a trip and \$7 a connection for each time they set foot in the place.

You should ask yourself whether honesty, integrity and ethics come into play when you cancel a helicopter contract at a cost of \$500 million in initial penalties, and a further total loss of almost \$7.7 billion, while jeopardizing the lives of members of our Armed Forces; or shut down the Somalia inquiry when the truth is about to be revealed. Would honesty, integrity and ethical behaviour not have been the way to go on the APEC inquiry, when a much less costly solution would have been to accept responsibility for wrong-doing of PMO officials and the RCMP in trampling on the democratic rights of individual Canadian citizens?

Sources tell me, honourable senators, that the cost to the taxpayer of the APEC Inquiry is in the range of \$24 million to \$28 million. You can expect a question on the Order Paper from me in that regard.

Honourable senators, we are dealing here with an all-powerful Prime Minister, who is accountable to no one. That sorry display at noon today by the so-called ethics counsellor is all the testimony we need. There are no conditions whereby ministers are compelled to resign, nor are there any conditions, it seems, which would compel the Prime Minister to demand resignations. This is a far cry from a statement made by Mr. Chrétien when he was Leader of the Opposition on June 12, 1991. At that time he stated:

...I would like to tell the people of Canada that when we form the government, every minister in the cabinet that I will be presiding over will have to take full responsibility for what is going on in his department. If there is any bungling in the department, nobody will be singled out.

As a journalist said this morning on CBC Radio, using the Sinclair Stevens case as a point of reference, Prime Minister Mulroney was out of the country at the time attending an economic summit, returned and immediately put an end to the matter by turning it over to an independent public inquiry, whereas this Prime Minister deals with similar situations by stonewalling.

Honourable senators, it is a curious situation here in Canada, where one Prime Minister who believed in ministerial accountability, who took seriously his duties for which he was answerable to Parliament, who took strong actions to address perceived and real acts of ministerial shortcomings, has been vilified and treated to cheap shots such as that of the current Prime Minister to Mr. Clark. The present Prime Minister stonewalls, refuses to acknowledge acts of inappropriateness, refuses to demand a high standard of his ministers, and this, for some strange reason, is celebrated by him and his followers. They actually believe if they say so that it must be fact. The only possible answer is that the word "scandal" has been redefined by the Prime Minister, or perhaps by prime ministerial edict it has been stricken from the record, never to be used again.

Honourable senators, I repeat what I said at the outset. Parliamentary reform, and honesty and integrity in government are more urgent now than they have ever been in the history of our country. It is the responsibility of each and every senator, no matter what their party, to move this topic to the top of the parliamentary agenda.

Hon. Jeremiah S. Grafstein: Honourable senators, I hope the honourable senator will give us a specific reference to the poll that she referred to in her speech concerning the fact that Liberals believe that Liberals are arrogant and corrupt. If Senator LeBreton could give the citation, the question and the date, it would be helpful.

Senator LeBreton: Honourable senators, I would be happy to do that. It was an Ipsos-Reid poll. I do not have it here. I will send it to the Honourable Senator Grafstein. It was done in the midst of the 2000 election. The whole question was the perception of politicians and the question was about the Prime Minister, at the time when articles were starting to appear about Grand-Mère. The poll specifically stated that 24 per cent of Liberal supporters believed that the Liberal government was arrogant and corrupt.

Honourable senators, not only was the poll well reported, but Lawrence Martin, the biographer of the Prime Minister, actually wrote a column on the matter. I will be pleased to send both items to the honourable senator.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I am pleased to speak today in response to the Speech from the Throne. My remarks will concern the federal government's interventions in the area of official languages in Canada.

In the latest Speech from the Throne, I was delighted to note that the Liberal government has undertaken to provide further support for the development of francophone communities in Canada. The time has come to increase our support for official languages in Canada, and, more specifically, for francophone communities facing monumental challenges.

The needs of francophones living in a minority situation are desperate right across the country, in the case of health care or economic development in rural francophone regions.

To this end, the federal government set up forums for francophone business people in Canada. In 1996, 1998 and 2000, francophone business people from New Brunswick established links and did business with francophones from Western Canada. The creation of groups of business people in each of the provinces and territories has enabled francophones to meet and share their successes and challenges. I really hope that this initiative, one among many, will enable these communities to develop sustainable and thriving economic vitality so they may be fully involved in the new knowledge economy.

Francophones living in a minority situation in Canada are often in remote regions where it is hard for them to get health care. In order to remedy this problem, the federal government has set up a national French-language health training centre, which is managed by the University of Ottawa. The centre is responsible for training professionals who can provide health care in French. The need for francophone health care professionals is real and pressing in my province of New Brunswick.

The federal government pledged to strengthen its support to francophone communities and to promote linguistic duality by increasing the monies given to the provinces and territories to teach both official languages.

If we want our children and grandchildren to do business or to have a career in French, including in the health sector, we must ensure that they can get an education in French, from kindergarten to university. To that end, the federal government renewed the letter of understanding on official languages and education with the Council of Ministers of Education by allocating funds totalling \$880.8 million, over a five-year period, to the provinces and territories.

The federal government signed co-operation agreements with Ontario to develop French-language colleges, and with Nunavut to create francization services. A program of French as a first language is continuing in Iqaluit, from kindergarten to grade eight.

Thanks to funding granted for the construction and renovation of schools, the French school of Grande Prairie, in Alberta, and the Allain St-Cyr school, in Yellowknife, will get a facelift for the new millennium.

It is my hope that the 2.7 million children, or 52 per cent, who study French or English as a second language, and the some 317,000 who are in French immersion, will embrace the diversity and richness of the two official languages.

I do hope that this teaching will bear fruit and will result in a larger number of young Canadians becoming bilingual. Polls show that Canadians clearly want their children to learn their second official language. Indeed, 77 per cent of those living outside Quebec feel that it is important to teach in both official languages.

• (1520)

Honourable senators, you will agree that linguistic duality is a fundamental part of our Canadian identity. We must preserve it and we must make sure that it thrives from coast to coast. Today's young Canadians are our hope that both official languages will shine even more. When I take a closer look at the number of our young people who are learning a second language, I hope and I dream that French will take on a greater importance. I hope that these young people will realize that bilingualism is a real asset, that it is a value added to their passport.

All Canadians must recognize that linguistic duality is a value that distinguishes us. They must support the government's efforts to help these minority communities, which truly need this support to counteract the impact of demographic and cultural erosion on their development.

Canadians want and deserve effective and reliable service from their government. They are also entitled to receive those services in the official language of their choice, whether they are anglophones in Sherbrooke or francophones in Edmonton.

As legislators, we have a responsibility to support these communities in their development. By adopting an action plan in order to attain its objectives, I hope that the government is reaffirming its commitment in a firm and ongoing manner.

[English]

Hon. Michael A. Meighen: Honourable senators, I rise to take part briefly in the debate on the Speech from the Throne.

When I heard the Speech from the Throne, I knew that it sounded vaguely familiar — or perhaps I should say “vague and familiar.” Of course, the reason the Speech from the Throne was so familiar to many of us is that it was simply a rehash of the old and familiar Red Book III. This, of course, is a truly unfortunate comparison.

Most observers agree that Red Book III was fascinating only because, while it purported to be a policy statement, one key ingredient was missing — policy. While it should be of concern to all of us on both sides of this chamber that our government is operating without any clear policy direction, I must sadly conclude that having a clearer direction would unfortunately not make any difference whatsoever.

On February 8, 2001, the Liberals shocked the country when they stood up en masse in the other place and voted against a policy that they had explicitly promised to the Canadian people during the previous election. Shame. Now, thanks to Senator Oliver's motion, Senator Bryden and others in this place will have a chance to redeem themselves.

Honourable senators, while I am standing here to speak in response to the Speech from the Throne, I shall not in fact be speaking about any subject raised in that speech. Indeed, I shall be dealing with a serious sin of omission of my friends opposite rather than one of their equally numerous sins of commission.

Inexplicably, the subject about which I wish to speak has received no mention whatsoever from this government; nor, in fact, did it receive any mention in the infamous Red Book III.

In what amounts to nothing less than an insult to all Canadians, neither the Speech from the Throne nor Red Book III made any mention whatsoever of the issues facing Canada's approximately 400,000 veterans. It is shocking to us on this side of the chamber that we send men and women into combat and to act as international peacekeepers, men and women who willingly risk their lives to represent this country with courage and pride, and yet the veterans of these conflicts merit not even one word in the two most important policy statements delivered by the governing Liberals in the past year. This omission is a travesty in and of itself, and even more so when one considers some of the pressing issues facing veterans today.

Those issues include lack of funding for the Merchant Marine settlement. The government is so confused on this issue that even its own ministers are singing different tunes. Other issues include foot-dragging and stalling in conducting the necessary research to get to the bottom of the illnesses affecting veterans of the Gulf War and peacekeeping missions in the Balkans, the recent finding by an Ontario court that this government has mismanaged veterans' trust funds to the tune of more than \$1.5 billion — a judgment that this government has seen fit to appeal — and the potentially massive shortage of long-term care facilities promised to our aging veterans.

What of our future veterans? How are we supporting the men and women who are serving in the military today?

Honourable senators will recall that Senator Forrestall spoke at length about this two weeks ago. It is a message that bears repeating.

A recent *National Post* editorial did an excellent job of summing up the state of our military. That article stated, in part, the following:

After nearly eight years of Liberal governance, Canada has a military that can barely make a fist.

[Translation]

In 1994, there were 76,000 men and women in Canada's Armed Forces. Since 1999, this number has dropped to approximately 58,000 and, during the same period, the number of civilian employees has been cut from 32,000 to 20,000.

The situation has grown so bad that the Prime Minister had to break his promise to send 600 soldiers on a peacekeeping mission to East Timor because the Department of National Defence could deploy only 250. And these soldiers almost failed to leave because the old Hercules aircraft used to transport them could barely make it off Canadian runways.

Worse yet is the situation of soldiers who are forced to moonlight or line up at food banks in order to provide for their families. After years of earning barely enough to live on, these soldiers have just received an adequate salary increase from this government.

In the meantime, it goes without saying that the Liberal government has found plenty of money to pay for fountains and hotels in Shawinigan, just to mention a few examples.

[English]

Honourable senators, not that long ago, soldiers might be asked to serve one six-month tour as peacekeepers. Now many soldiers can look forward to two or three tours of duty over just a few short years. I understand that the government is now finally taking steps to reduce this number, but at the same time it is extending their stays in Eritrea and Ethiopia.

Those soldiers who do serve on peacekeeping missions can look forward to miserable conditions when they arrive at their destinations. The president of the Royal Canadian Legion wrote to the Minister of National Defence last month to report that soldiers serving in Bosnia suffer from “a poor state of morale, tattered and unsightly clothing and equipment deficiencies.” The Legion president reported that the general state of the soldiers' clothing was “worn, threadbare, stained and patched.”

Perhaps nothing is sadder, honourable senators, and potentially more dangerous, than the ongoing delays in replacing the ancient Sea King helicopter fleet. The Liberals have been promising new helicopters since 1993. We now hear that the delivery date may not be until as late as 2008.

Ironically, if my friends opposite had not paid \$500 million of taxpayers' money to cancel the EH-101 contract for purely political reasons, our servicemen and women would not be endangering their lives on a daily basis but rather flying state-of-the-art helicopters before the end of this very year; and Senator Forrestall would not be obliged to continue to ask embarrassing questions and to make the Leader of the Government squirm on a daily basis.

As if it is bad enough that our helicopter fleet is woefully inadequate, we now learn that the Liberals are going to ground over one-third of our CF-18 fighter planes. However, following its policy of taking with one hand and giving with the other, they are prepared to upgrade the remaining fighter planes.

Honourable senators, we cannot continue to ask our young men and women to serve overseas under extremely volatile and dangerous conditions without providing them with the best possible equipment and training and without assuring them that they will be well looked after when they return. Since the Liberals are in such dire need of new ideas, I have a suggestion for them. They need only turn to the policy platform of the Progressive Conservative Party issued during the last election. I am sure the Honourable Senator Bryden has read this. In it, the government will find several timely and important proposals. I will recite here only those proposals dealing with veterans.

• (1530)

First, a Progressive Conservative government would create a veterans' bill of rights to ensure that all disputes involving veterans are resolved quickly, fairly, and with the presumption in favour of the rights of the veterans.

Second, a PC government would ensure that all veterans receive their benefits and health care in a timely fashion, with no more stalling and equivocation.

[Translation]

Third, our government would conduct a complete review of the veterans' hospital, located in Sainte-Anne-de-Bellevue near Montreal, in order to ensure that it meets all the needs of its clients.

[English]

Those are just a few ideas, Senator Bryden and others opposite, for veterans, put forward by the PC Party. We shall continue to push forward these ideas and many others in the weeks and months to come.

Honourable senators, Canadians have had enough of opening their newspapers every day to read more and more about the problems and difficulties faced by our veterans and soldiers alike. It is time for some positive news.

When the PC Party or, in the words of the Prime Minister, the Official Opposition, form the next government, honourable senators, positive news is exactly what Canadians will get.

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise to participate in the Speech from the Throne. At the outset, I too wish to congratulate the new Speaker, Honourable Senator Hays, for his important appointment. I have had the privilege of working with Senator Hays in various Senate-related matters over the last few years. I know him to be a hard-working individual with integrity and a strong sense of justice. Congratulations.

I also was pleased to see yet another Nova Scotian lead the government in the Senate after Senators Murray and Graham. Senator Carstairs also is hardworking, sensitive and strongly imbued with doing what is foremost in the public interest. I congratulate another easterner, Senator Robichaud, for his appointment as Deputy Leader of the Government. Finally, I am pleased at the reappointment of our leadership under Senator John Lynch-Staunton and his Deputy Leader, Senator Kinsella, who very competently and capably carry out the important job of leading the official opposition in the Senate of Canada.

Honourable senators, one month or so before the opening of Parliament, I wrote every member of Cabinet before the speech requesting the following:

...it would be highly beneficial to Canadians at large if new initiatives designed to enhance opportunities for visible minorities were included in the upcoming Speech from the Throne.

I had no positive response and there was no reference to visible minorities in the Speech from the Throne.

Today, honourable senators, I want to canvass justice issues as raised by the Speech from the Throne.

I was saddened that the Throne Speech barely mentioned how this government would ensure the safety of children and our streets. This would have been the perfect opportunity to inspire Canadians by presenting new and innovative means to combat criminal activities in this country. Instead, we were presented with regurgitated ideas, lacking both substance and imagination.

There are three areas that I wish to discuss in great detail: anti-gang law, young offenders, and child pornography.

Drug trade, extortion rackets, prostitution, money laundering, human smuggling, fraud, and computer crimes are but a few the daily illegal activities biker gangs are involved in. While these gangs live in the shadows of our society, they have managed to infiltrate each and every region of this country. The Speech from the Throne observed that the Government of Canada —

...will take aggressive steps to combat organized crime, including the creation of stronger anti-gang laws and measures to protect members of the justice system from intimidation.

This government has had seven years to take the threat of organized crime seriously. Instead of strengthening the RCMP — our first line of defence against criminals — the government has slashed its budget, downsized staff, and chosen to close police and training centres. Does this sound like a government that is serious about fighting crime?

The attempted murder of Montreal crime reporter Michel Auger in September 2000 revived debate over the growth of organized crime activities in Canada and highlighted the need to amend the anti-gang law. The legislation enacted by the passage of Bill C-95, which was adopted by Parliament in 1997, steps up the fight against organized crime.

Since 1995, the Province of Quebec has demanded that membership in a criminal organization be made a criminal offence exempt from the Canadian charter under its notwithstanding clause. Other provinces, such as Ontario, are asking for tougher laws to permit the seizure of the profits of organized crime.

In response to these events, Justice Minister McLellan sought consultation with the provinces and territories before making anti-gang amendments to the Criminal Code. We are only beginning to see signs of life on these issues with the conviction of four outlawed bikers in the Rock Machine.

During last fall's election campaign, the Liberals promised to strengthen as needed provisions of the Criminal Code and other laws in relation to organized crime activities and to provide federal law enforcement agencies with the resources they need to fight criminal organizations.

Many experts, however, say that the adoption of a harsher anti-gang law would be ineffectual in fighting criminal biker gangs. They assert that crown attorneys should use the provisions under Bill C-95 to prosecute the accused bikers and thereby assess the effectiveness of the provisions under Bill C-95 in the courts. The government should also reinvest in the RCMP and give this crucial organization the appropriate funding to fight crime before the government considers radical legislative changes.

Recognizing the need to improve this patchwork system, the Progressive Conservative Party of Canada has made a commitment to give the RCMP and the Canadian Security Intelligence Service the necessary financial, human and technical resources to maintain security in our communities and fight organized crime. The PC platform states, in part, as follows:

A Progressive Conservative government would explicitly assert that our priority is to defeat organized crime, in particular money laundering, human and contraband smuggling, fraud and computer crime.

Next, I wish to talk about the young offender legislation. Many Canadians in both rural and urban centres are alarmed by the number of violent crimes committed by our youth and feel that

these youth should be held accountable for their actions. Since 1993, the Liberal government has promised to address this problem through major reforms to the Young Offenders Act.

The Liberals, however, waited until March 1999 before tabling Bill C-3, in respect of criminal justice for young persons. The bill provided harsher consequences for violent crimes committed by young persons 14 years of age and over and promoted alternative measures other than detention for non-violent offenders.

According to the Speech from the Throne, "the government will reintroduce legislation to change how the justice system deals with young offenders."

The government has since reintroduced Bill C-3, now Bill C-7, a bill that has not had great support or success to date. Since this bill was first tabled, it has died on the Order Paper twice, once in September 1999 and once in October 2000, because of other government priorities. Although the Liberal government has made the earliest possible adoption of this bill a priority, in the space of two years it has not gone past the report stage in the other place. The reason for this delay is quite simple. Since it was tabled, this bill has been the subject of severe criticism from all sides. This bill appears to be a hasty initiative by the Minister of Justice designed for political purposes and it has been criticized in the Province of Ontario and in Western Canada as being too soft on young offenders.

Testifying before the House of Commons Standing Committee on Justice and Human Rights, a number of expert witnesses said that the proposed act was so complex that its enactments would lead to a war of court challenges, would paralyze the youth courts as well as adult courts, and would lead to the violation of the rights of young people. Quebec, for its part, is opposed to the bill on the grounds that it would jeopardize its system of youth courts and its unique young offenders rehabilitation system.

The debate surrounding the Young Offenders Act will undoubtedly continue in 2001. Passing this bill may be difficult, though, because prior to the November election, the MPs would have voted on 3,133 amendments, about 100 of which came from the Liberals.

Over the course of the debate surrounding the passage of the Young Offenders Act, members of the Bloc repeatedly attacked the government for entering into provincial jurisdiction with regard to the imposition of adult sentencing.

Although this bill claims to provide a degree of flexibility for the provinces to determine the age of majority of an accused youth, it does little to assure Canadians that the federal government has seriously considered the concern of the provinces.

• (1540)

Progressive Conservatives believe that legislative changes are paramount to tackling young offenders issues. To that end, our platform states that a Progressive Conservative government

...would replace the *Young Offenders Act* with new, more effective legislation that reflects the following basic principles of justice: protection of the public, deterrence and denunciation balanced with rehabilitation, and a greater discretionary use of restorative justice.

That is from "Change You Can Trust," at page 20.

We also believe that early identification and intervention strategies for youth at risk should be put in place. As well, clear guidelines for communications should be established between the justice system and our schools involving young offenders. We also place a greater emphasis on ensuring that parents are involved in all court proceedings concerning young offenders.

Finally, honourable senators, a few words about child pornography. Our children are our most precious citizens. They are our future. They need and deserve our protection. The Speech from the Throne would have been the perfect avenue to provide a detailed outline of the government's plans to combat child pornography. The Speech from the Throne states that the federal government —

...will safeguard children from crime, including criminals on the Internet. The Government will take steps to ensure that our laws protect children from those who would prey on their vulnerability.

In 1999, the British Columbia Supreme Court ruled in a decision upheld by the province's Court of Appeal that Criminal Code provisions on the possession of child pornography were unconstitutional since the Canadian Charter of Rights and Freedoms guaranteed the right to freedom of thought, belief, opinion and expression of the accused John Sharpe. This case was appealed to the Supreme Court of Canada and, in January of this year, the court upheld the current law. The Supreme Court of Canada stated that Mr. Sharpe has to face charges of child pornography ownership.

In the wake of numerous criticisms of the government's inactivity in this matter, the Liberals resigned themselves to promising during the recent election campaign to provide children with greater protection by adding some specific offences against youth in the Criminal Code, such as criminal negligence or the use of the Internet to attack them for sexual purposes. There is nothing new about this undertaking, however, since the Minister of Justice announced her support for such measures at a meeting of the federal and provincial justice ministers in Nunavut in September 2000.

Unlike the Liberals, during the last election campaign, the Progressive Conservative Party of Canada proposed the establishment of a comprehensive national strategy to fight child pornography.

A Progressive Conservative government would implement a National Strategy to Combat Child Pornography, Child Abuse and Elder Abuse that would include Internet safety education for children, training of police in tracking

pornography and revamping our current laws to ensure that they are not facilitating high tech prostitution.

The Speech from the Throne is our national blueprint for the next four years. That speech lacked the initiative and vision necessary to combat crime in today's world. The dark side of our society is evolving and expanding as it delves deeper into the technological sphere. Our justice system must do the same. Our justice system needs muscle behind it that only comes with sufficient funding and federal support to effectively challenge sophisticated criminal activity. It is alarming, honourable senators, that so many crucial and important issues were simply glossed over in the Speech from the Throne.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the Speech from the Throne delivered by Her Excellency the Governor General on January 30, 2001 clearly sets out the program of the federal government.

This program attaches great importance to Canada's future in the areas of health, culture, the economy and, of course, education. It is also necessary to ensure Canada's place in today's world and certainly in the world of tomorrow.

Having heard the bases of the program as set out by the Liberal Party at the time of the last election in November 2000, Canadians acknowledge that the government's program clearly reflects the aspirations of the various groups making up the Canadian population. This was so aptly put by Senator Finestone on March 14, 2001 in her reply to the Speech from the Throne in which she said:

Undoubtedly, Canadians have rested their faith in the institution that has proven to have the capacity to transform material circumstances into resources, infrastructures, a strong and flourishing economy, and opportunity for all.

I am in total agreement with my honourable colleague that Canadians have faith in the direction in which their government is engaged toward a promising future, a future that inspires them with confidence.

I should like to thank and congratulate all honourable senators who have taken part in this essential debate.

[English]

All senators who participated in this debate offered thoughtful commentaries on the Speech from the Throne, as well as on Canada.

[Translation]

Honourable senators, I should like to thank all those who have expressed good wishes and congratulations to the people who have accepted leadership responsibilities on both sides of this Chamber. Thank you for your good wishes.

[English]

Honourable senators, I feel that the Speech from the Throne as presented by Her Excellency the Right Honourable Governor General on January 30, 2001, was complete in its vision and substance. Therefore, we on this side feel that it need not be amended, and that it should be engrossed in its original form.

The Hon. the Speaker *pro tempore*: Honourable senators, is the house ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: The question is on the motion in amendment of the Honourable Senator Kinsella.

Will all honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will all honourable senators opposed to the amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "nays" have it.

Motion in amendment negated, on division.

The Hon. the Speaker *pro tempore*: The next question is on the main motion. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to, and Address in reply to the Speech from the Throne adopted.

On motion of the Honourable Fernand Robichaud, ordered that the Address be engrossed and presented to Her Excellency the Governor General by the Honourable the Speaker.

• (1550)

THE ESTIMATES, 2000-2001

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (Supplementary Estimates (A) 2000-01), presented in the Senate on March 22, 2001.

Hon. Lowell Murray: Honourable senators, I move the adoption of the committee report standing in my name.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. C. William Doody: Honourable senators, I have no intention of holding up the report in any way, but some items in that document should be highlighted and brought to the attention of the Senate. One of them, in particular, has become of some interest to me.

Honourable senators, we are dealing with the Supplementary Estimates (A) 2000-01, as presented by Senator Murray on Thursday past. I should like to call your attention to the curious matter of the more than \$3 billion in pay equity awarded to certain members and ex-members of the public service.

When Treasury Board officials appeared before your Finance Committee about a year ago, they were asked what the total cost to taxpayers would be for this pay equity adjustment and when the lucky recipients could expect their cheques. We were told the exact amount was not known at that time, that it could be in the vicinity of \$3 billion and that the first batch of cheques would be going out in April 2000, which was only a week or so away. No mention of this rather substantial amount of money was shown in the Estimates before us and, as far as I could tell, no mention of this amount of money was made in previous Estimates. That is to say, it seemed to me that this amount had never been voted for in Parliament.

We were told that the amount needed was available from funds put aside for this purpose in anticipation of a pay equity judgment decision in favour of the employees but that it was not identified as such. We were told that this amount appeared in the accounts of Canada but could not be identified until the pending judgment came down.

This explanation makes some sense from a bargaining and strategy point of view from the government's perspective, but to me and to others it is quite alarming from an accountability point of view. That this gargantuan sum of money would be stashed away and then dispensed without a specific and open consent of Parliament — or, more to the point, of the House of Commons, which is supposedly the keeper of the public purse — is quite startling. I do not suggest here that there is any wrongdoing, skulduggery or malfeasance. Indeed, a specific act of Parliament provides Treasury Board — that is, the government — with the statutory authority to settle cases like this when the government finds itself on the losing side of a judgment. However, this is an odd way to exercise that right. It looks to me like an open-ended, blank cheque, but we can discuss that, perhaps at another time, in committee.

Honourable senators, it is quite scary that \$3 billion of taxpayers' money would be put aside and then disbursed with no one in government any the wiser, except the responsible minister, I suppose. This item is shown in the Estimates before us simply as a reported item and not a request for funds.

As I have mentioned, statutory authority was used and then the matter was a closed case. This money was paid out before either Parliament was informed or we were told of the amount shown in the Public Accounts. If it was identified in the Public Accounts, I could not find it there as a specific item of pay equity.

Honourable senators, almost 70 per cent of spending by the Government of Canada is now statutory; hence, it needs no further parliamentary approval. Parliament has already passed an act or acts of some such statute or document or instrument to authorize the spending, so the Estimates must be read with the Public Accounts of Canada in mind. We have the case where public oversight of public spending or Parliamentary oversight of public spending may be a little dubious if, indeed, it exists at all. Clearly, there is something wrong with the system and the system needs fixing.

Honourable senators, let me add another complication to this already complicated affair. What effect did this \$3 billion have or will it have on the surplus or the deficit in 2001-02 or the years on either side of that year? Frankly, I do not know. Once again, perhaps the committee might revisit this matter at another time and ask some pertinent questions.

Honourable senators, what happened to the principle of lapsed spending authority, the principle that money voted but not spent in a given fiscal year cannot be carried forward into the next year but must lapse and be shovelled back into the general revenue or the general accounts. I do not know what happened to this \$3 billion. If it lapsed, it could not have been there for the public service settlement. However, if it did not lapse, then there is some sort of variation on the principle that I always thought was a binding rule of public accounts management.

There is another item that we might think about in terms of a step toward making this system easier to work with and to understand. Parliament should force itself to look in more detail and in more depth at the Estimates department by department. The House of Commons passes billions of dollars of spending every year in a cursory way, with a mere nod of the head. They say, "It is now March 31, so we must pass a supply bill." That is the end of it, which is simply amazing to me.

Honourable senators, apparently the House of Commons cannot find time to resolve itself into a Committee of the Whole to look at these Estimates line by line. I can understand that. The House may be too big and unwieldy to deal with a complicated issue such as this, although it would be a good exercise for the House to at least look at one or two departments every year. In the meantime, if the House of Commons cannot find the time to deal with this matter in a Committee of the Whole, perhaps we can do it here in the Senate. We have the time, the resources, the talent, and most of us have the interest. Perhaps we could think in terms of having the Senate look at the Estimates on a line-by-line basis in Committee of the Whole. Ours is a much smaller house, and it would be much easier for us to get to grips with this matter. It is worth considering.

It might be said that we do not have time to do the committee work we have now, but what if we were to look at the Estimates on either a Monday or a Friday? We would not have many senators here, but we would have enough to be able to do a decent job of examining the spending of the accounts of Canada. I think this is a worthwhile project.

When I was a member of the Government of Newfoundland, we looked at all legislation in Committee of the Whole. Every detail of every piece of legislation was studied in Committee of the Whole, including the Estimates, on a line-by-line basis. Each minister had to appear before Committee of the Whole to defend his Estimates and to explain his programs and policies. Admittedly, it was a smaller set of Estimates and a smaller house, but the principle was the same. It is just that the volume is bigger.

Honourable senators, we do not have to do it all, every year. However, my proposal is worth thinking about it in terms of making the Senate more relevant in this country of ours. It would expand the role the Senate in terms of public perception and in terms of the Senate's usefulness.

Honourable senators, many other items in this report are worthy of your attention, but I wanted to take a few minutes of your time to bring this particular one to your attention.

• (1600)

Hon. John. G. Bryden: I have a question for the Honourable Senator Doody. I have been concerned for some time about the points the honourable senator has raised. I have thought about what role the committees of this place could play in regard to the Estimates.

I wonder, honourable senators, whetherover the years, or because of inclination of people on committees, we have tended to get away from the principle role of standing committees. Have we instead conducted specialized studies or identified areas that are of particular interest to people on a certain committee?

The guidelines for standing committees note that a standing committee that is authorized by the Senate to study the subject matter of bills or government Estimates and that wishes to retain the services of persons may do so. Since I have been here, I know of few occasions in which the Standing Senate Committee on Agriculture, for example, or the Standing Committee on Social Affairs, Science and Technology dealt with the Estimates of the relevant department — for example, Health Canada, in the case of the Social Affairs Committee.

Honourable senators, I know of one instance of that occurring. The continuing chair of the Standing Senate Committee on Fisheries, one year or two years ago, had the Minister of Fisheries and Oceans come before the that committee.

Honourable senators, I have heard that there were a number of years in which the Fisheries Committee did not meet because there was no legislation, and the committee had nothing to do. That surprises me, especially in view of the fact that the fishing industry was going to hell in a hand basket.

The Minister of Fisheries and Oceans, after having defended his Estimates before the Standing Senate Committee on Fisheries, noted that it was a much more thorough and better-informed review of the Estimates of his department than he had experienced in the other place.

I should like to ask the honourable senator the following question: Could the standing committees, as well as the Committee of the Whole, examine the Estimates of the departments for which these standing committees are responsible to this chamber?

Senator Doody: Honourable senators, the honourable senator's question was only slightly longer than my comments.

I thank the honourable senator for his question. The gist of the matter is why do not the standing committees examine the Estimates of various departments, particularly the ones in which they are interested? The answer is that there is no reason why they should not. In fact, some of the committees do examine the Estimates from time to time. The Veterans Affairs Committee, for example, which is a subcommittee of the Social Affairs Committee, has asked year after year for a reference from the Senate on that particular heading requesting that it be referred to their committee. They have examined Estimates in detail with officials, and perhaps the minister.

Any committee in this place is entitled to ask for a similar reference. That does not preclude the Finance Committee from examining the Estimates as a whole. It does not take any authority away from them or any individual department. Any committee that wants to examine a particular department in which it has a special interest could simply ask for a reference from the Senate.

Honourable senators, that also does not in any way detract from my thoughts about Committee of the Whole. A Committee of the Whole should involve any senator who is interested. There is plenty of room. It is an established forum. It is recognized in other legislatures. As a matter of fact, it is the custom in other legislatures in Canada, as elsewhere.

The House of Lords, for example, does all of its work in Committee of the Whole. The study of special subject is done in other committees.

That does not change the principle of having a Committee of the Whole, or interested senators, question officials and ministers. It would be a delight to have, say, the Minister of Health, the Minister of Fisheries and Oceans or any other minister defend his or her Estimates and explain all programs to committee. I think that you would find more sharp knives in the drawer when we were finished than before we started.

The Hon. the Speaker: Senator Kenny is rising to ask a question. However, I must inform the Honourable Senator Doody that his time has expired. Does the honourable senator wish to ask for leave to extend his time?

Senator Doody: Yes, please.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Senator Kenny: Honourable senators, I am interested in the remarks of Senator Doody. Perhaps I did not understand them clearly. The role of National Finance is to do that which you suggested. You mentioned that the House of Lords reviews Estimates in Committee of the Whole.

Would it not be more effective to review Estimates in the relevant committee, where people have been looking at a particular department for a long time, rather than taking the time of the entire chamber? Why does the honourable senator prefer a Committee of the Whole examination of the Estimates rather than, say, National Finance or other individual committees studying the Estimates?

Senator Doody: Honourable senators, I like the fact that a Committee of the Whole review of the Estimates would involve many senators. There may be certain senators who have particular interest in a policy or program that may not surface in a particular committee.

It would not compulsory that all senators attend, but it would be helpful. I would settle for a line-by-line examination. The Standing Senate Committee on National Finance does not have the time to review all Estimates — line-by-line or department-by-department. I am not suggesting that the Estimates not be referred to an individual committee. I am simply saying that much of that work could be done here.

Honourable senators, I am not suggesting that the Senate should take over the authority for the finances of country from the House of Commons. Certainly, they are still the people who are primarily responsible for the protection of the public purse. I am not suggesting that we should cancel programs. I am simply suggesting that we examine all the Estimates and make recommendations and provide advice where we think that advice is necessary and would be helpful.

If the government wishes to accept our advice, that is fine. If not, then that is the prerogative of the government. My opinion is that more effective work could be done in Committee of the Whole on a subject like this than can be done in an isolated single committee.

Hon. Tommy Banks: Honourable senators, when I first came here, I assumed that I would have to leap into the role, which I often do, of proselytizing in the interests of the arts. I am delighted to have found myself among the hippest group of people that it has ever been my privilege to be a member. I thank you for that.

I am pleased to report to all honourable senators who are supporters of the arts that there is some news that is salutary to the arts in the Estimates. I shall be making this known shortly to all performing arts groups in the country.

Honourable senators, the Department of Industry, I believe, has made a grant in the amount of \$5 million to the endowment fund of the Montreal Symphony Orchestra. This is very good news, honourable senators, because that is a new place from which money seems to be available for good purposes in the arts. I am delighted to make that known to all of you, as I will shortly to all my colleagues in that business.

[Translation]

• (1610)

Hon. Roch Bolduc: Honourable senators, I should like to say a few words on the Governor General's Special Warrants.

As honourable senators are aware, these are authorized under three conditions. First, when Parliament has been dissolved and a 60-day deadline for the writs to be returned is then required. Second, when the payment is urgently needed and for the public good. This is the basic criterion for the use of special warrants, which means that we are authorizing expenditures via Governor General's Special Warrants even if the House is not sitting, and budgets have not been adopted or authorizations given. Third, when there is no other appropriation pursuant to which the payment may be made.

We have examined the situation in the Standing Senate Committee on Public Finance. The total allocated to departments was \$3.5 billion in all, and that is real money, not Monopoly money. In the fiscal year ending in March 2001, I note that outside of emergencies such as the one at Agriculture where the minister was authorized to inject \$155 million in disaster relief to farmers, there were special warrants for nearly all government departments and organizations within departments. We are speaking here of some 200 organizations in all: thirty or so departments plus another 150 organizations.

Take the example of Canadian Heritage Minister Copps. Expenditures total some \$200 million. That is a lot of money and a lot of emergencies.

Honourable senators, you will recall that we sat until the month of June 2000. We came back for September or October and sat until the election was called. We could have been back within 60 days of the election, but the government decided that we would start sitting only at the beginning of February.

Special warrants were issued for an amount of \$1.5 billion on January 23, that is one week before the House of Commons resumed sitting. This seems exaggerated to me. It means that public servants had to rush to get things through while the special warrants were still in effect. This is not right and it is not sound public management.

For example, in the case of the Department of Canadian Heritage, where Mrs. Copps is the minister — and I am not blaming her — the warrants total \$200 million, including \$150 million in the department and here and there two, three or five million dollars in 12 different organizations. I am not saying that it is not for good projects, but there is money for just about

every museum. I realize that museums may face emergencies, but I wonder if this could not have waited one week. What difference would it have made to wait from January 23 until February 4?

In my opinion, this reflects—and it is not necessarily a criticism against the government, because it applies to management as well — a certain mentality. I clearly remember the fifties and sixties — I lived that period like no one else — and I can tell you that special warrants were practically non-existent. Some were issued during the war, which is understandable, but there were few, for the simple reason that such warrants imply the existence of an emergency. I am convinced that emergencies do not arise every day at the Museum of Civilizations or at the National Archives. The archives will not disappear if they do not get \$500,000 at this very moment.

I do not want to question the merit of these warrants. If I take the example of the Department of Foreign Affairs, which comprises competent individuals and which I like, I note that they spent \$200 million in a variety of situations.

At the Department of Finance, it was not so bad, but I tell you it is everywhere, pretty well. At the Department of Human Resources, and if a department ended up in hot water last year, this was it, they found a way to come up with another \$45 million. This strikes me as excessive.

The Department of Health got another \$120 million. The Department of Justice got \$125 million. The Department of Public Works received \$925 million, which allowed it to acquire the former Ottawa city hall. I wonder just how pressing it was that they could not wait a week.

The same applies to Canada Place in Edmonton, which received \$100 million. I have nothing against this, but I think that Canada's public administration has lost the meaning of the special warrants, and this includes both ministers and officials. It is not reasonable to issue special warrants for \$3.5 billion for this type of spending during an election period. I understand the government must still operate, but this is excessive.

The point of my remarks is to make people aware of these situations. These are not usual and this is not play money, Caouette money, as we say at home. These are real bucks. There are 3.5 billion of them, and that is a lot.

I mentioned this to the senior Treasury Board officials when they appeared before the Standing Senate Committee on National Finance, and they said that each expenditure was within the standards set. I said that the standards provided too much manoeuvring room. Honourable senators will understand surely that I speak simply as a guy with a lot of common sense. There is no expertise here, it is common sense that wins the day.

Hon. Marisa Ferretti Barth: Honourable senators, I should first like to thank the senior officials of the Treasury Board Secretariat, who kindly responded to many concerns expressed by the senators.

I will share one concern I have had for some time with you about the high cost of the recovery and the investigation associated with the Swissair flight that crashed off Peggy's Cove, Nova Scotia.

This was an investigation by the Transportation Safety Board of Canada, an independent body established on March 29, 1990, which reports to Parliament through the President of the Privy Council. Its mandate is to promote transportation safety.

You will no doubt recall that on September 2, 1998, 229 people died in the crash of Swissair Flight 111.

To my great surprise, I see that the spending associated with this disaster continues to climb and that the search is still going on nearly three years after the accident. Senior Treasury Board Secretariat officials have informed me that the total spent now stands at \$53.2 million.

The agreement now in effect, the 1944 convention on international civil aviation, is now over 50 years old. This convention provides that the total cost of such a recovery operation must be assumed by the country in which the accident took place.

The International Civil Aviation Organization has discussed the financing of investigations into major accidents on several occasions with a view to amending the convention's provisions on the sharing of costs between the governments taking part in the investigation. Despite all efforts to date, the issue has not been resolved.

• (1620)

Given the volume of traffic in Canadian airspace, the size of Canada, and the length of its coastline, it seems obvious that Canada will be called upon to assume an increasing share of the cost of recovery and investigation operations associated with aviation disasters.

Since 1976, there have been two serious accidents: the one in 1985 in Gander, Newfoundland, and the one in 1998 in Peggy's Cove, Nova Scotia. This number may perhaps not seem excessive right now, but it must be remembered that air transportation is far more common now than it was 50 years ago.

It is not fair to require Canadian taxpayers to assume such a financial burden because of a convention over 50 years old. Could the expenditures incurred for recovery and investigation operations not be split between the two governments? As for conventions in general, would it not be a good idea for them to be reviewed and updated every five years?

[English]

Hon. Terry Stratton: Honourable senators, my comments will deal with the Supplementary Estimates and the fact that through them the Estimates have grown. The original budget was \$156.2 billion for 2000-2001. That has grown to \$172.6 billion; in other words, an increase of \$16.4 billion. Think about that.

What happened? Did the money just roll in all of a sudden? I think so, and the government had to spend it. They could not keep their hands off it and pay the debt down. That \$16.4 billion represents a 10.6 per cent increase, and there have been no comments made as to the significance of its size. If the same should happen in the next fiscal year, we will have an absolute disaster.

Honourable senators, the question I must ultimately ask is: When you have this significant a margin of error, why was it not addressed earlier? Why must a Supplementary Estimates (A) be presented in March for that sum of money and nothing is to be done about it?

Every year I ask the same question. Why do we have such large supplemental estimates? Why can we not at least make Parliament aware, when we are bringing the estimates down for the next fiscal year, of what is likely to come down? Even if it is a ballpark figure, at least we will know what we are faced with, for example, \$156.2 billion, as we were told at the beginning of this fiscal year, and that it is likely to grow due to such and such, and the amount could be around such and such. If that is not done, we are misleading Canadians. The money flows in, is thrown at spending, and we end up with a 10.5 per cent error.

Honourable senators, I believe we owe it to Canadians to try and keep track. Who knows what will happen next year when the money tap is turned off. What will be done then? Will we present a supplementary estimate and say, "Hold it, guys, we are going to now take money back from departments?" That is the other shoe that should drop. Hopefully, that will take place too, because we cannot go to Supplementary Estimates this time next year given what will be happening with the economy.

In answer Senator Bryden's question with regard to why can we not do more detailed estimates in this place, the Auditor General will attend the Finance Committee meeting tomorrow evening. That exact question will be asked of him; how can we more properly review Estimates in Parliament?

Senator Banks: Honourable senators, I have a question for Senator Stratton.

I am sure Senator Stratton has been involved in a number of enterprises, as have I. Not many of them are as big an enterprise as the Government of Canada. I am curious to know whether the honourable senator has been able, in the enterprises in which he has been involved, to get within 10.6 per cent of his annual spending budget. In the enterprises in which I am involved, if our forecasting and management is that good we are very proud.

Senator Stratton: Honourable senators, I was involved in the operation of a small chartered airline. We needed to keep extremely tight control because it was such a competitive business. If we did not know our mileage costs, or the operations and maintenance costs for aircraft, we could get into a great deal of trouble if business suddenly dropped. We constantly needed a plan whereby we could drop our expectations. If the business grew, on the other hand, we could meet that growth with a plan of a different kind. We needed to do that in order to survive.

Honourable senators, the situation exists here. When running a household budget, it should be looked at in the same way. If income diminishes all of a sudden, you need a plan to get it back. If income increases, there should be a plan of what can be done on the spending side. Above all, when there are surpluses debt should be paid down.

Hon. Anne C. Cools: Honourable senators, I wish to add a few words to this debate on the second report of the Standing Senate Committee on National Finance on Supplementary Estimates (A). In particular, I wish to return to the questions that Senator Bolduc raised a few minutes ago on the use of Governor General Special Warrants by this government.

The question is articulated within the report of the National Finance Committee, of which I am a member, as recorded on March 22, 2001, in the Senate Journals, as follows:

Members of the Committee were concerned about the use of Governor General Special Warrants to obtain immediate funds to support the government's ongoing operations when Parliament was dissolved during the election period. Specifically, members were concerned about the level of financing obtained through Special Warrants. It seemed to go beyond any sense of urgency as prescribed by the legislation governing the use of these instruments.

Obviously this statement is recorded in the report of the committee in direct response to those concerns raised at committee level in respect of the government's use of these warrants during a period of dissolution, which I will come to in a moment.

Senator Bolduc was one of the senators who raised this question of the Governor General warrants. There are two issues here. One is the overriding concern that Parliament must express authority and approve all expenditures made by the government of the day. We could call that Parliament's control of the purse.

• (1630)

There is also the thorny question of what the government must do during periods when Parliament is not sitting, particularly when Parliament is dissolved, to meet its financial obligations and conduct business.

We have before us what I would consider to be the proper balance between emergency situations and ongoing operations. As Senator Bolduc said, there have been several Governor General's special warrants issued, and for substantial amounts of money. That must be placed properly on the record.

I believe that Parliament was dissolved on October 22, 2000, for a general election. Section 30(1) of the Financial Administration Act stipulates the three conditions that must be satisfied before a special warrant can be issued. Senator Bolduc has already referred to those. First, Parliament must be dissolved. Second, a payment must be urgent and for the public good. Third, there must be no other appropriation pursuant to which the payment may be made.

Senator Bolduc argues that the Government of Canada had adequate time, prior to calling the election, to have brought forward a supply bill, which should have been Supplementary Estimates (A), and that Parliament could have given the bill its proper approval, allowing the government to conduct its business.

The particular special warrants to which Senator Bolduc refers are three in number. One special warrant was issued on December 13, 2000, for \$178 million; another was issued on January 9, 2001, for \$1.8 billion; and the third was issued on January 23, 2001, for \$1.6 billion.

The major question that Senator Bolduc raises concerns Parliament in a very profound way, and that is whether those sums of money were urgently required. I believe the committee is saying in this report that it appears that the government was using these warrants to fund ongoing operations rather than to finance urgent or emergency situations, which is the requirement of that section of the act.

The word I should like us to consider is "unforeseen." We had with us in this chamber for some years one of the finest minds on this subject matter, that being former Senator John Stewart. This particular question was a pet consideration of his.

I wish to remind honourable senators that this question has preoccupied this Senate and this committee on many occasions in the past, just as it is preoccupying the mind of the committee presently. I should like to refer senators to a study done in 1989 when Senator Murray, the current chairman of the committee, was sitting in a different position, as he was then on the government side. In May of 1989, the Standing Senate Committee on National Finance conducted a thorough study on the use of Governor General's special warrants. At that time, the minister, Mr. Robert de Cotret, appeared before the committee.

I refer honourable senators to Senator Stewart's speech made here in the Senate chamber on Tuesday, May 9, 1989. I believe that senators would find it insightful and helpful.

The third report of that committee, dated May 17, 1989, submitted under the chairmanship of former Senator Fernand-E. Leblanc, concludes with the following statement:

The Senate invites the House of Commons to join it in affirming that, subject to the *Constitution Acts, 1867 to 1982*, and except to meet unforeseen, urgent requirements touching the public good, no payment shall be made out of the Consolidated Revenue Fund without appropriation by Parliament.

That remains as true now as it was then. The question in the minds of members of the committee during the consideration of Supplementary Estimates (A) was whether the purpose for which those moneys were spent could possibly be considered unforeseen or urgent. As far as I am concerned, that is the critical issue.

The Senate committee looked at this matter, being well aware that the government was faced with the problem of maintaining the operations of government, and it made the decisions it did with the best of intentions. The record should show clearly that that was the consensus of the committee.

However, many of us here in this chamber and on the committee are concerned that the government should give more attention and care to forecasting its financial needs and to bringing forward the appropriate appropriations bill rather than relying on provisions of the Financial Administration Act, which are intended for true emergencies and urgencies.

As a matter of fact, some years ago the Financial Administration Act was amended to eliminate the possibility of any government resorting to Governor General's special warrants during periods of the prorogation of Parliament. That amendment restricted the use of special warrants to periods of dissolution only. I believe that that amendment came about as a result of another government, of another political stripe, some years earlier using Governor General's special warrants during periods of prorogation.

To many senators sitting here, what we are discussing must sound like Greek. However, I assure them that these are very important matters worthy of their consideration. I commend Senator Bolduc and Senator Murray for bringing these discussions forward today. Many people find the subject matter boring, tedious and dry, and quite often these profound issues do not get the attention they deserve.

In closing, I wish to thank the members of the committee and our new deputy chairman, Senator Finnerty. I wish to impress upon honourable senators that nothing Parliament does is as important as superintending the business of the finances of the nation.

• (1640)

Hon. Lowell Murray: Honourable senators, since the motion to adopt this report stands in my name, perhaps I might be permitted just a word or two before the question is put, as I hope His Honour will do shortly.

First, I would refer to the brief speech of Senator Banks. He drew our attention to the \$5 million grant by the Department of Industry to l'Orchestre Symphonique de Montréal. Senator Banks let us know that he will be advising his friends in the arts of this hitherto unsuspected source of funds for arts and culture. That is fair enough.

However, I should like to place his remarks in the context of the discussion that took place at the committee and, indeed, of our committee report. The concern that Senator Banks and others expressed is one that touches upon the ability of various groups, whether cultural, artistic or other, to tap various sources of public funds, and the obvious need for some coordination in matters of this kind so that the left hand may know what the right hand is doing.

Senator Banks, and others at the committee, asked how such a grant had been provided by the economic development agency for the regions of Quebec rather than Heritage Canada. Our report then states that the official assured the committee that the grant was proper, and that it complied with the criteria set out by the development agency. The committee then expressed its concern that such a practice makes it difficult for government departments to keep track of overlapping expenditures.

The committee then made the point that orchestras and other cultural activities receive financial assistance from the Canada Council, which of course is an agency at arm's length from the government, from the Department of Canadian Heritage, sometimes from External Affairs and so forth. We have asked Treasury Board to provide further details on the program, specifically regarding the criteria used to approve this grant.

I just wanted to supplement the remarks of Senator Banks on this matter by referring to the concerns that had been expressed at the committee and in the committee's report.

Finally, honourable senators, let me thank very sincerely those who have taken part in this debate. All of the speeches made in the debate have been made by members of the Standing Senate Committee on National Finance. Their speeches reflect concerns that they themselves pursued very effectively at the committee. They reflect also the concerns that are contained in the report that is now before the house. I thank them for doing this. I think it makes much more sense and adds more coherence and content to the debate on this report than simply to have the chairman get up and give a narrative of what happened.

With those few remarks, honourable senators, I commend the report for your approval.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

THE ESTIMATES, 2001-2002

REPORT OF NATIONAL FINANCE COMMITTEE ON ESTIMATES ADOPTED

The Senate proceeded to consideration of the third report (interim) of the Standing Senate Committee on National Finance (Estimates 2001-02), presented in the Senate on March 22, 2001.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, you now have before you the third report of the Standing Senate Committee on National Finance. This report has to do with the Estimates for the fiscal year that begins on April 1 next. Honourable senators, I should like to take 60 seconds, more or less, to place this report in context.

The report speaks for itself. We have had one very good meeting with the officials from Treasury Board. We received their usual full and courteous replies where they had full replies to give us. Where they did not, they have agreed to obtain the information for the committee. Indeed, since our meeting with them, this information has started to come in and will be given to members of the committee.

Second, I should tell honourable senators that tomorrow, at 5:45 p.m., the committee will be meeting with the Auditor General of Canada.

Third, a week from today, the committee will have an *in camera* meeting to discuss our future business. By future business, we mean what areas of government policy or what departments or agencies of government the committee may choose to focus on in the coming months. All this is by way of saying that we are just at the beginning of our examination of the Main Estimates for the next fiscal year.

This report is before honourable senators for your adoption so that the government may bring in its interim supply bill. However, the Main Estimates for the fiscal year 2001-02 will be in front of the Standing Senate Committee on National Finance for 12 months. We have all the authority and flexibility we need to zero in on particular aspects of government administration. We welcome helpful suggestions from senators.

Hon. Terry Stratton: Honourable senators, since I made a brief statement on the Supplementary Estimates for 2000-2001 I thought it was appropriate to at least point out my concerns with the Estimates for 2001-2002.

It would appear that the next fiscal year will not be as cash rich as the current one. My concern is that we have a budget that anticipates a certain growth in our economy, yet we have not heard a forecast by the Finance Minister as to where he thinks this is going, and we will not receive one for awhile.

If we look at the Estimates for 2001-02, we see that they are currently at \$163.4 billion, as compared with last year's initial Estimates of \$156.2 billion. There was not much growth. When you look at it, it was quite modest, except that, as honourable senators are aware, this current fiscal year's budget has grown by \$16.5 billion, from \$156.2 billion to \$180 billion.

That has an impact on one's thinking when one is looking at next year's Estimates of \$163.4 billion. By how much will it grow? I realize that the government can take steps to limit the spending on the other side as the economy slows down. Again, I think it is irresponsible to go into a fiscal year with a set of Estimates with no forecast of where we are going. It is like walking around with a blindfold on.

• (1650)

Honourable senators, imagine running a business that way. I think it is fundamentally wrong. We should have a statement by the Finance Minister telling us where he thinks the economy is going before we have such a thing as these Estimates.

As we are going through this year by year, I strongly believe that we should have a five-year track record of where our spending has taken place so that we can see the growth in that spending from year to year to year. The department has this information. It is not a large thing to ask for, and I have asked for it in other years. We in this place can then track how the growth in spending has taken place. It will give us an idea how well we have monitored the people's money not only in the current year or in the last year but also in previous years. Honourable senators, is that not what we are here for?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to ask the Honourable Senator Stratton a question. Has the Finance Committee looked into a problem that I see, namely, that when we get the Main Estimates for the forthcoming fiscal year they are only compared with the Main Estimates of the previous year? Any Supplementary Estimates are not included for proper comparison. The comparisons are really not the whole story. We should be comparing the Main Estimates for the next fiscal year with the total estimates, that is, the actual expenditures. I am sure this has been mentioned before the committee.

Has either Treasury Board or the Department of Finance been sympathetic to having more accurate comparative figures presented to the committee for a better understanding?

Senator Stratton: They do; they have done it in the past. However, for some reason, it takes a while. We need that information when we present our final annual reports on Supplementary Estimates.

That is a good question. It would help everyone here to understand where we are going down that track with respect to spending.

Hon. Lowell Murray: Honourable senators, our own staff gives us the information on the comparative information between the Main Estimates for next year and the Main Estimates, plus Supplementary Estimates for last year, which is as close to "actual" as you can get at this stage of the game. The government itself cannot give us this information in that form because the Supplementary Estimates for the last fiscal year have not yet been approved by Parliament. Honourable senators will not find that kind of information in the documentation that the Department of Finance or the Treasury Board puts on the table.

Senator Stratton: We could do it for previous years, though.

Senator Murray: Yes.

Senator Stratton: I am looking at a five-year track record.

Hon. Anne C. Cools: Honourable senators, in support of the adoption of this report, I want to underscore what Senator Murray has said. This is, in point of fact, an interim report. The committee will be continuing its study on the Main Estimates over the next many months and probably into early next year. Quite often, it is not clear that it is only an interim report.

I should also like to underscore the fact that, as is our practice, in a few months the committee will be hearing from the President of the Treasury Board in person. The problem with both these reports and this particular time of year is that there are many reports and many bills dovetailing and colliding that must be passed by March 31.

Having said that, I urge all honourable senators to support this interim report and to adopt it readily because the adoption of this report, as a consideration of this first meeting on the consideration of the Main Estimates, is absolutely necessary and precursory to the moving ahead of the following supply bill, which Senator Finnelly is ready and willing to dive into.

Having said that, honourable senators, I believe we can go ahead and put the question.

Hon. John G. Bryden: Honourable senators, I understand what Senator Lynch-Staunton was alluding to, namely, that it is difficult, in a timely way, to get access to actual numbers in trying to judge the numbers for the upcoming year.

The running of government is a big business, one that is affected by significant issues. This comment is directed to the Honourable Senator Stratton: I have been in business for quite a long time, in various levels. The further out one goes with a business plan, the more guess work there is as one moves forward, because the less definite it can be. Similarly, if one looks back 5 or 10 years and uses that information to go forward, it is difficult to judge whether the cycle is an annual cycle, a three-year cycle or a 10-year cycle.

Honourable senators, with respect to the additional 10 per cent of spending, because of the additional 10 per cent of revenue coming in, one only needs to look at what has happened over the last few years, in particular, over the last year, in terms of business planning and budget planning. People were saying, "Don't worry about the downturns; don't worry about the old concept of the business cycle. We are now in a new paradigm, where technology, the Information Age and all of these things are allowing productivity to grow so rapidly that it will be a continuous upswing." If that were true, I would not have said the unpleasant things that I said to my broker when some of those technology wonders went into the dumpster.

Senator Stratton: The bubble burst.

Senator Bryden: Exactly. But it was not supposed to be a bubble. It was supposed to be the new paradigm.

As parliamentarians, we must be cautious. As appointed parliamentarians, we cannot put a fine edge on trying to predict what will happen based on the past. If things do not move less rapidly now, they can move dramatically. If one were to an economist today whether the downturn that we are in will be shaped like a V or a U — and by "V" I mean the V that happened in 1987 and the longer downturn — one would receive almost equal opinions on absolutely opposite sides.

I mentioned philosophy the other day and my old philosophy professor's comment on why economists were constantly predicting the future of the economy on the radio and in the press. When he was asked that question, he said, "Well, it certainly is not because they know. I think it is because they are asked."

• (1700)

Senator Stratton: Surely to goodness, would the honourable senator not expect the Minister of Finance to look at what is likely to happen in the next fiscal year and to ask his economists to look into their crystal balls and to do various case scenarios about what happens if the economy does this or that? Would they not do that?

Senator Bryden: Yes, honourable senators, I would be very surprised if they did not do that. However, in a normal situation, a budget would be forthcoming in February. It is not sufficient for the Minister of Finance to give guidance to the country, as I understand it, by suggesting that the finance officials believe that we will likely be in a specific situation but for the "what ifs." Canada would demand of a minister of any political party that there be at least some definitive view on what will happen.

Some of that will occur when the financial update occurs, either next month or the month after. However, I would enjoy it if I could actually see the spreadsheets from those "what ifs" that were run in July 2000 and compare them to the spreadsheets that were run in March of this year. Senator Stratton and I would think that we were looking at the spreadsheets from two different countries because things have changed so rapidly. Those things should be prepared and presented. I am hopeful that the Minister of Finance will present his financial update as soon as possible on the best evidence that he has.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—THIRD READING—ORDER STANDS

On the Order:

Third reading of Bill S-16, to amend the Proceeds of Crime (Money Laundering) Act.

The Hon. the Speaker: Honourable senators, I request that this bill stand. As honourable senators know, a request was made by Senator Kinsella for a ruling on this bill, which I intend to make tomorrow.

Order stands.

APPROPRIATION BILL NO. 3, 2000-01

SECOND READING

Hon. Isobel Finnerty moved the second reading of Bill C-20, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001.

She said: Honourable senators, this bill, Appropriation Act No. 3, 2000-2001, provides for the release of the Supplementary Estimates (A) amounting to \$2.6 billion, which were tabled in the Senate on March 1, 2001, and referred to the Standing Senate Committee on National Finance. These are the final Supplementary Estimates for the fiscal year ending March 31, 2001.

The 2000-2001 Supplementary Estimates (A) seek parliamentary approval to spend \$2.6 billion on expenditures that were provided for within the \$161.9 billion in overall planned spending announced in the October 2000 economic statement and budget update, but not included in the 2000-2001 Main Estimates or the Governor General's special warrants. These Estimates were discussed in some detail with Treasury Board Secretariat officials before the National Finance Committee on March 13.

Major items in these Supplementary Estimates include \$195.4 million for funds to departments and agencies to compensate for the impact of collective agreements, and \$140.8 million for 25 departments and agencies for operational needs originally provided for in 1999-2000.

Items affecting a single organization are as follows: \$595.4 million additional funding for National Defence to support essential operating and capital requirements; \$206.7 million for three claim settlements to the Department of Indian and Northern Affairs for recently concluded negotiations; \$140 million for Industry Canada for genome centres to improve coordination of genomic research; \$116 million to the Canadian International Development Agency for assistance to developing countries; \$101 million for Treasury Board Secretariat for increased cost of public service insurance; \$71.3 million for enhancements to new the Canadian Institutes of Health Research; \$64.4 million for Health Canada for priority health initiatives announced in the 1999-2000 budgets.

Honourable senators, the above represents \$1.6 billion of the \$2.6 billion for which parliamentary approval is sought. The \$1-billion balance is spread among other departments and agencies. Details are included in the Supplementary Estimates.

As for statutory spending, major statutory items in projected spending amounts are as follows: \$3 billion for statutory payments for pay equity settlements reached with the Public Service Alliance of Canada; \$4 billion for the Department of Finance for health care, including \$2.5 billion to the Canada Health and Social Transfer announced in the February 2000 budget, \$1 billion to the provinces and territories for purchasing and installing medical diagnostic and treatment equipment, and \$500 million for health care requirements for information and

communications technology; a forecast increase of \$1.2 billion in equalization payments to the provinces; a \$200 million forecast increase in public debt charges; \$170 million for the Chief Electoral Officer for the last general election and by-election in 2000; \$145.5 million for the Canadian International Development Agency for Canada's commitment to replenish the African Development Fund; a forecast increase of \$79 million in payments for Old Age Security and the Guaranteed Income Supplement and Allowance; a forecast decrease of \$309 million for grants to the trustees of the Registered Education Savings Plan; a forecast decrease of \$87 million in expenditures for the Canada Student Loans Program; and a forecast increase of \$1.8 billion for loans disbursed under the Canada Student Loans Program. These major statutory items represent adjustments totalling \$10.2 billion. Details of the \$80.6-million balance spread among several departments are included in the Supplementary Estimates.

Honourable senators, should you require additional information, I would be pleased to provide it for you.

The Hon. the Speaker: If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Finnerty, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

APPROPRIATION BILL NO. 1, 2001-02

SECOND READING

Hon. Isobel Finnerty moved the second reading of Bill C-21, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002.

She said: Honourable senators, this bill, Appropriation Act No. 1, 2001-2002, provides for the release of interim supply for the Main Estimates of \$16.3 billion. These Main Estimates were tabled in the Senate and in the other place on February 27.

• (1710)

They total \$165.2 billion, an increase of \$9 billion, or 5.8 per cent, over the Main Estimates of the previous year. They reflect the expenditure plan in the Minister of Finance's October 2000 statement and budget update. These include provisions for further spending under statutory programs or for authorities that will be sought through Supplementary Estimates. The budget also provides for the re-evaluation of government assets and liabilities and makes allowance for the anticipated lapse of spending authority.

As all honourable senators know, the government asks Parliament to support its request for authority to spend public funds. Estimates include information on budgetary and non-budgetary spending authorities. Subsequently, Parliament will consider appropriation bills to authorize spending. Budgetary expenditures include the following: the cost of servicing the public debt; operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and the payments to Crown corporations.

Non-budgetary expenditures include loans, investments and advances representing changes in the composition of the financial assets of the Government of Canada.

These Main Estimates support the government's request for Parliament's authority to spend \$52.4 billion for which annual approval is required. The remaining \$112.8 billion, or 69 per cent of the total, is statutory. These Estimates were discussed with the Treasury Board Secretariat officials when they met the Senate National Finance Committee on March 14. Here is an overview of the major changes in the 2001-2002 Main Estimates.

Budgetary Main Estimates: Some major increases are \$3.8 billion for Canada Health and Social Transfer payments to the provinces; \$1.4 billion for direct transfers to individuals, for example, Old Age Security, the guaranteed income supplements, et cetera; \$957 million in fiscal equalization payments to the provinces; \$596.1 million for National Defence spending; \$360.3 million for the new Infrastructure Canada Program; \$195.2 million for employee contributions to insurance plans for the public service employees; \$116.2 million for the 2001 census scheduled for May 15, 2001; \$114.9 million for the Indian and Inuit initiatives to help Indians and Inuit achieve self-government, and economic, social and cultural aspirations; \$100 million for transfer payments to the territorial governments; \$82.5 million relating to the establishment of the Canadian Tourism Commission as a Crown corporation on January 2, 2001; \$77.6 million in payments to the Jacques Cartier and Champlain Bridges Inc. primarily to cover necessary major maintenance work for the replacement of the deck on the Jacques Cartier Bridge; \$77.4 in payments to VIA Rail Canada to revitalize its fleet; \$58.1 million in assessed contributions to the United Nations for new peacekeeping operations; \$56 million in payments under the Technology Partnerships Canada Program; \$55 million for the Canada Health Infrastructure initiatives; and \$50 million for the Canadian magazine industry initiative.

Some of the major decreases include the following: \$300 million for the reduction in the forecast of the public debt interest and servicing costs; \$265.7 million due to the decrease in resources related to assistance activities to Kosovo, as well as the termination of the Canadian Forces presence in Kosovo; \$245 million for the reduction in grants to the trustees of the Registered Educational Savings Program; \$204 million for the Canada Student Loans Program, due to changes in financing arrangements for student loans and student assistance as a result of the move to directly financed students loans; \$174.4 million for the decrease in repayment terms for loans advanced to

departments and agencies to meet the government's wide priority of Year 2000 readiness; \$81.3 million in compensation for collective agreements; \$72.3 million for the decrease due to the budgetary transfer for the establishment of the Canadian Tourism Commission as a Crown corporation; \$67.1 owing to the winding down of the Millennium Bureau's activities in 2000-2002 on millennium activities, projects and celebrations.

Non-budgetary Main Estimates, major increases, \$1.9 billion for estimated direct loans made to students under the new direct financing of the student loans program; major decreases, \$437.9 million in non-budgetary payments to a variety of international financial institutions.

Honourable senators, should you require additional information, I would be pleased to provide it for you.

Hon. Shirley Maheu (The Hon. the Acting Speaker): It is moved by the Honourable Senator Finnerty, seconded by the Honourable Senator Cools, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Finnerty, bill placed on Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

CUSTOMS ACT

BILL TO AMEND—SECOND READING
DEBATE ADJOURNED

Hon. Raymond C. Setlawke moved the second reading of Bill S-23, to amend the Customs Act and to make related amendments to other Acts.

He said: Honourable senators, it is a pleasure to speak today on an innovative plan that will modernize our customs operations and, as the bottom line, improve the safety of Canadians.

As honourable senators are aware, the Customs Action Plan, which has led to Bill S-23, will simplify our border operations and make a reality of our new vision of border and trade policy administration.

Thanks to the amendments proposed in Bill S-23, the government will combine modern advanced risk management techniques with the use of modern technology that will provide pre-arrival information and pre-authorization.

These methods will help the Canada Customs and Revenue Agency, the CCRA, to expedite the movement of low risk passengers and goods, while concerning efforts on goods and passengers presenting high or unknown risks.

The Action Plan will make it possible for our customs activities to be more beneficial for all Canadians.

[English]

International trade and tourism are considered the lifeblood of the Canadian economy. Trade agreements with a number of our major trading partners — agreements such as NAFTA, the Canada-United States Accord on Our Shared Border and the Canada-United States Partnership — have all been very successful.

In order to support this government's trade agreements and its agenda for trade and tourism, we need to modernize the way we carry out our customs operations.

[Translation]

Today's context is characterized by globalization, the emergence and expansion of regional trade blocks, rapid technological development, and innovative business management. That is why we want to reduce as far as possible any needless interference in legitimate trade and tourism activities.

The elimination of custom duties between Canada and the United States has also helped stimulate trade exchanges and the productive strengths of both our economies. In fact, border activity is constantly expanding.

In 1999, Canadian customs authorities recorded half a million more customs releases than the year before. As well, we recorded more than \$300 billion in imports, according to trade declarations.

In excess of 108 million travellers cross our borders every year, more than 80 per cent of these from the United States.

Not surprisingly in the least, all of this economic activity has had considerable impact on customs operations on both sides of the border.

[English]

• (1720)

Over the five past years, the volumes of trade and travel have steadily increased while our resources have declined. The CCRA's dual mandate of trade and travel facilitation and protection have been seriously put to the test.

The customs action plan is a critical investment in the future and will allow us to become one of the most modern border agencies in the world. By providing innovative solutions to the problems we face today, it ensures that our customs processes will not be an impediment to Canadian prosperity.

The approach outlined in the action plan — and which the provisions of Bill S-23 put into place — features a

comprehensive risk management system incorporating principles of self-assessment, advance information and pre-approval, all supported by technology.

In the past, we have changed business practices and embraced advancing technology, both of which have helped us keep pace with import traffic. Our vast range of services and enforcement initiatives support the competitiveness of business while still ensuring the protection of Canadians. We have learned through experience that the smart way to do business is to electronically obtain release for shipments before they arrive at the border. Similarly, in a traveller environment, it would be wise to learn more about passengers before they arrive to help mitigate risk.

[Translation]

Honourable senators, this approach based on risk management will be supported by a system of effective and equitable sanctions reflecting the type and gravity of the contravention.

Bill S-23 provides specific intervention measures — from warnings to fines — that leave those who decide not to abide by the rules to face serious consequences.

Another provision of S-23 will permit a less official administrative examination and the extension of certain time limits out of a concern for fairness and harmonization with other tax legislation. It will permit clients to appeal penalties or CCRA decisions, in certain circumstances.

It also contains a provision allowing for third parties to request remedy in the context of a simple examination process before the matter is taken to court. Advance rulings on the tariff classification of merchandise, currently based on the law, will now inform importers of certain situations and give them broader appeal rights.

Bill S-23 will harmonize the mechanisms for collection and restrictions with respect to amounts due customs, since garnishment will be possible and the shared responsibility of associates may be cited.

Another provision provides for the harmonization of deadlines for payments and the date the interest provided in the Special Import Measures Act with provisions of the Customs Act respecting payment, reimbursement and interest.

Essentially, businesses and individuals with a good record of being law abiding should benefit. They will be offered options that will make it easier to cross the border.

[English]

Part of the action plan involves the introduction of the Customs Self-Assessment program. This program is a direct result of consultations with the trade community and was highlighted as its number one priority.

The CSA is based on the principles of risk management and partnerships — partnerships with those clients who have proven track records. Approved importers will be able to use their own business systems to meet their trade data and revenue requirements, a complete self-assessment environment supported by audit activities.

The benefits of the CSA program are not just limited to the accounting and payment aspects of the customs program. CSA also streamlines the customs clearance process, bringing greater speed and certainty to importing goods.

Honourable senators, traders will welcome the provisions for advance information and pre-approval programs contained in Bill S-23.

The CSA eliminates the need for any transactional information related to eligible goods. All that is needed is the identity of the approved importer, the approved carrier and the registered driver when CSA goods arrive.

[Translation]

Travellers will benefit from the Customs Action Plan.

Many of you have heard of the CANPASS-Highway program that was tested in recent years at a number of locations. That program, which requires participants to get a permit, allows pre-authorized travellers to use reserved lanes to avoid usual customs procedures. The testing of this program and other components of the CANPASS program demonstrated their feasibility and effectiveness.

The amendments to the Customs Act proposed in Bill S-23 will allow us to implement these programs on a permanent basis, from coast to coast.

[English]

Another example, created jointly by the Government of Canada and the Canadian Airports Council, is the Expedited Passenger Processing System, EPPS. Under this new and innovative program, EPPS participants will be able to use an automated kiosk that will confirm their identity and membership in the program and facilitate entry into Canada.

Another exciting initiative is the harmonized highway pilot, also known as NEXUS, at the Blue Water Bridge in Sarnia, Ontario, and Port Huron, Michigan. NEXUS' goal is to provide a seamless service to pre-approved travellers entering Canada and the U.S. at these border points, using technology and a common card.

The Customs Action Plan will serve Canadians well by improving the flow of people and goods across the border and by strengthening our ability to protect them.

[Translation]

The CCRA's mandate is to ensure the implementation and enforcement of the laws governing the movement of people and goods entering and leaving the country.

Our new clearance system will allow us to get as much information as possible before the arrival of people and goods at the border. Getting this information in advance will allow our customs officers to make informed decisions before the arrival of goods and people, thus facilitating the movement of legitimate travellers and goods.

However, the CCRA will still conduct random customs searches and we will continue to rely on the intuition of its experienced and well trained customs officers. Another clause of Bill S-23 will improve existing legislative provisions to better protect personal information on travellers.

[English]

Honourable senators, Bill S-23 will prescribe specific circumstances for disclosure of information; when the information may be collected by customs officers; how the information is to be used; and under what circumstances, conditions and for what purposes it can be disclosed.

Compliance is the key to success. Bill S-23 is designed to improve compliance among travellers and traders. Higher compliance levels ultimately benefit our clients because they lead to fewer examinations and audits.

Improved service and streamlined processing will allow the CCRA to offer positive reinforcement of the benefits of voluntary compliance.

[Translation]

There will continue to be random checks to ensure compliance with Canada's customs laws and regulations.

Honourable senators, opposing Bill S-23 could have serious consequences. The government's program, which consists in promoting trade and investment in Canada, will only be successful if it is supported by the Customs action plan and by the amendments included in Bill S-23.

Honourable senators, Bill S-23 is, in my opinion, a daring and innovative step forward in our efforts to modernize Canada's border and customs procedures.

By working as a special partner with other departments and government organizations, the CCRA will have the power to streamline as much as possible customs procedures, as they apply to legitimate trade. The CCRA will also be in a better position to do what most Canadians feel absolutely essential: to make our streets safe and to protect our communities by enforcing Canada's laws and sovereignty at the border.

On motion of Senator Kinsella, debate adjourned.

[English]

• (1730)

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

NOTICE OF MOTION

Leave having been given to revert to Notices of Motions:

Hon. Shirley Maheu: Honourable senators, I give notice that on Thursday, March 29, 2001, I will move:

That this house:

(a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity.

(b) Designates April 24 of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Finnerty, for the second reading of Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (census records).—(*Honourable Senator Murray, P.C.*)

Hon. Lowell Murray: Honourable senators, Bill S-12 is a Senate public bill brought forward by Senator Milne. I am speaking to it as a private member in that I have neither sought nor received authorization to speak on behalf of anyone but myself.

I will not support this bill without serious amendments to it having been first made. That being said, I cheerfully concede that there is a constituency of support for the bill in the country. That constituency consists primarily of genealogists or, more particularly, people who are interested in genealogy and in tracing their own family history. There is also some support for the bill among some historians, which support I cannot quantify.

The purpose of the bill is to allow the government to make public the individual census returns of Canadians 92 years after this personal information has been collected for census purposes. I would ask honourable senators to consider the merits of the bill in two phases. Obviously, if the bill became law it would apply to

individual census returns in all future censuses. Unusually, however, this bill would have retroactive effect. It would apply to all censuses since the year 1906.

To place that in some historical context, the first national census post-Confederation was conducted in 1871. National censuses were taken at 10-year intervals thereafter until 1956, when we started conducting them every five years. From 1906 until 1946, a mid-decade census was taken only in Western Canada.

All personal data from the censuses of 1871, 1881, 1891, and 1901 have been released by the government pursuant to the 1983 Privacy Act, which, through its regulations, has the 92-year rule.

A campaign started a few years ago to have the government release the personal data from the 1906 census in 1998, after 92 years, and to release the personal data from the 1911 census in the year 2003. This, the government has refused to do. The government has taken the legal position that it is constrained from doing so, that it is obliged to keep the personal data in these individual returns confidential because of regulations passed, first, under the 1905 and 1906 Census and Statistics Act and regulations that were passed in 1906 and 1911, and because of a provision that was actually written into the Statistics Act in 1918 that prevents the disclosure of personal information collected in the course of the census.

I will quote a brief excerpt from the regulations and from the 1918 act. Pursuant to the regulations under the 1905 and 1906 Census and Statistics Act, which regulations were promulgated in 1906 and again in 1911, officials were required to:

...keep inviolate the secrecy of the information gathered by enumerators and entered in the schedules or forms. An enumerator is not permitted to show his schedules to any other person, nor to make or keep a copy of them, nor to answer any questions regarding their contents directly or indirectly, and the same obligation of secrecy is imposed to commissioners and other officers or employees of the outside service, as well as upon every officer, clerk or other employee of the Census and Statistics Offices at Ottawa. The facts and statistics of the census may not be used except for statistical compilation, and positive assurance should be given on this point if a fear is entertained by any person that they may be used for taxation or any other object.

I shall also read the relevant excerpts from the 1918 Statistics Act. Section 15(1) reads as follows:

No individual return, and no part of an individual return, made, and no answer to any question put, for the purposes of this Act, shall, without the previous consent of the person or of the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person not engaged in connection with the Census be permitted to see any such individual return or any part of any individual return.

• (1740)

Section 15(2) reads as follows:

No report, summary of statistics or other publication under this Act shall contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

As a layman, I think that those regulations from 1906 and 1911, and that provision of the 1918 act, are as clear as clear can be. I should add that I am informed, although I have not eyeballed it myself, that subsequent legislation in 1948, 1970, 1971 and 1972 specifically prohibits the disclosure of personal information collected in the course of all the censuses from 1921 right through to the census that will be taken later this year.

The position of the government, I think properly, in response to the campaign that was undertaken several years ago to have the government release the personal data starting with 1906 in 1998, and 1911 in 2003, has been that they are forbidden from doing so by the law, that those regulations, and obviously the provisions of the 1918 act, still have the force of law.

I should like to say a word about the arguments that are used by the people who want this information disclosed. If I do not do justice to them, I am sure Senator Milne will do so when she closes the debate.

First, there is, of course, an obvious interest on the part of many Canadians — and I do not know how many, but it seems to be a fairly important, shall I say, lobby — to trace family history. This is understandable and commendable. To add to this the fact that there is a potential need, perhaps even a pressing need, on the part of some people to obtain personal information about their families and family background that will be relevant in the light of modern advances in medical research and genetics, I say in parentheses that I do not understand quite how a lot of the census information, particularly that taken in earlier years, would be much help in the case of medical genetics.

However, let us accept the argument as being valid. I am of the view that, in the case of people who want to trace their own family histories, for whatever reason, it should be possible, even retroactively, to make some exceptions with proper safeguards for this activity. We are always talking about trying to strike the right balance between the right to privacy, which in this case I say is enshrined in the laws to which I have referred, and the right to or the need for access to information. The former commissioner of privacy, Mr. Phillips, suggested that it would be possible to make an exception for genealogical activity in such a way that the information on families could be segregated. In other words, if I wanted to trace, to pursue my own family

history, I could do that without trolling through the family history of my colleagues, friends and neighbours. I put that out as being one possibility of an acceptable and honourable compromise which, in principle, I would certainly support.

I am not at all convinced by the arguments that are made by some historians for making public all of this personal census information. I understand the desire of historians to have as much information as they possibly can on any given subject. I think we know that to historians there is no detail, no matter how small, there is no scrap of paper, no matter how insignificant, that is irrelevant to their pursuits. Naturally, they like to know everything about everyone.

Nevertheless, I do not think that the understandable desire of these scholars for more and more information justifies the invasion of privacy that would be involved in acceding to their demands. I say that my opposition to doing so is reinforced by the fact that what we are being asked to do in this bill is to revoke retroactively a secrecy provision that has been in the law since 1906. My opposition to do so is also reinforced by the fact that personal census returns have become in recent years, certainly in the past let us say half century, increasingly intrusive, collecting much more in the way of personal, even intimate, information about individuals and their families. This information is collected from Canadians under the compulsion of law and the trade off is that of confidentiality.

In 1999, the government appointed an expert panel on access to historical research records. The mandate given to it was expressed in two questions. The first was: What are the elements of the difference of opinions between Canadians who would seek to maintain the protection of personal information and those who would like to examine personal or community histories? The second was: What options exist to provide access to historical census records?

I think I detect a slight bias in the way the mandate was phrased. There is no lack of access to historical census records in the aggregate. What we are talking about here is access to personal information, to individual returns. I get the impression that Mr. Manley, who was then the minister responsible for Statistics Canada, was tilting a bit toward the campaign that was then underway to have this material released. In any case, he asked for options, and the panel did not disappoint him.

In its report, the panel said that the government could go ahead right now and release the personal data from the 1906 and 1911 censuses. The panel clearly disagrees with the legal position of the government to the effect that the regulations of 1906 and 1911 prevent that from happening.

• (1750)

With respect to the personal data collected in censuses after 1918, the panel seems to think that legislation would probably be necessary. This distinction need not concern us for the moment because Senator Milne, out of an abundance of caution and prudence, has made her bill retroactive to everything from 1906 on.

What should concern us, however, are the reasons advanced by the panel for this retroactive action. First, the panel points out that nowhere in the regulations of 1906 and 1911, nowhere in the law of 1918 and nowhere in the parliamentary debates on those matters do they find the words "perpetual," "eternal," "forever." On that basis, they say, "If words like 'perpetual,' 'eternal' and 'forever' are not in the statute, then surely it must have been intended at some point to release the information."

Honourable senators, I have read you both the regulations and the statute from 1918. I believe those are clear. The idea that the absence in those laws of words like "perpetual," "eternal" and "forever" could justify legally, politically or morally the retroactive annulment of a confidentiality provision seems to me to be a very flimsy pretext by this panel to justify the conclusion and the recommendation they are making.

Their second argument is that it should be possible to infer from the fact that at some point a few generations ago it was decided that all the information would be transferred to the National Archives there is some intention, implicit, to release the information down the road. There, again, I do not think this follows at all. The fact that the information was being transferred to the archives "for future reference" does not imply an intention to release that personal information publicly. In any case, the law is well understood by the government, by Statistics Canada, by the public, by the National Archives of Canada and by the sponsor of this bill. The law prevents the retroactive release of this information. My friend has brought in a bill to have the law changed retroactively.

The third argument that the panel has advanced is international comparisons. They point out that in the United States there is a 72-year rule, that in Great Britain there is a 100-year rule, and that in Australia, starting now, they will have a 99-year rule in respect of personal data, provided that the individual respondent has given his or her consent to the eventual release of the data. Until very recently, it was the custom and the law in Australia to destroy all of this information, for cultural and historic reasons that concern Australia and need not detain us.

Honourable senators, I believe that none of these three arguments put forward justifies this retroactive legislation. Furthermore, no convincing argument has been put forward that the national interest would require this retroactive action by Parliament. If an argument of pressing national interest had been put forward, we would have to weigh it because there are no absolutes in this business. The only compromise that would be justifiable in terms of personal information relating to individuals is a compromise, an exception, for people wanting to trace their own family history, with safeguards written into it.

As far as the future is concerned, I point out that approximately 20 per cent of all respondents are required to answer the long form of the census. The long form is getting to be quite a long form and the information demanded of you is, in some cases, quite intrusive. It is taken under compulsion of law, with the guarantee of confidentiality. Therefore, if the

government, or Statistics Canada, or whomever, wants to release this personal information taken in future censuses, it is a very simple matter. There should be a place on the form whereby an individual respondent who wishes to give his or her consent to the eventual release of personal information could so indicate. This, as I pointed out, is done in Australia. For whatever reason, the expert panel of the government also rejected this idea of a consent being required by individual respondents.

Honourable senators, this question of privacy is a very important one. My bias in weighing balance is always in favour of privacy. I acknowledge that. We must be conscious and vigilant on the question of privacy. I congratulate our friend Senator Finestone, who has brought forward, in the form of a private member's bill last week, a proposed federal privacy charter.

Let me say a word now about the context in which this bill is coming forward. In 1983, we passed legislation, the Privacy Act, to protect personal information that is collected by the government for official purposes. I think it is a pretty good act. When I came to look at it more closely in recent days, however, I found that some of the key issues are dealt with not in the act itself but in regulations passed under the act. Those issues include the length of time the government may hold this personal information in its possession, the circumstances under which this personal information may be released publicly, and so forth. These are issues central to the issue of privacy and we should never have let them get out of our hands. These are issues that should form part of the act and should be debated in Parliament and not left to a committee of ministers to pass them into law in the form of regulations, which is what happened. That is one problem that I want to flag for you.

Second, we passed Bill C-6 late in the last Parliament. That legislation protects the privacy of personal information collected on you for commercial reasons, for example, information collected by your credit card company, your insurance company, your bank or whatever. I thought it was a terrific bill and as such gave it my complete support, as we did on this side of the house. There are some problems about the health sector, but these are being resolved as we speak. There was also an element in that bill that got away from us. At the last minute, I attempted to have a subclause excised from the proposed legislation. My attempt was unsuccessful, but I intend to come back to it. It permits the disclosure 20 years after the death of an individual of personal information collected on that individual for commercial purposes.

This is not tombstone information collected by the government. This is information collected by your credit card company or your mortgage company or your insurance company, or whatever. I cannot see for the life of me why we should permit, under any circumstances, that information to be disclosed. I intend to —

The Hon. the Speaker: Honourable Senator Murray, I must interrupt now to observe that it is six o'clock.

Senator Murray: I will wind up immediately.

The Hon. the Speaker: Is it your wish, honourable senators, that the clock not be seen?

Hon. Senators: Agreed.

Senator Murray: Honourable senators, the philosophy seems to be that the passage of time diminishes the concerns about individual privacy. The philosophy seems to be that your right to privacy dies with you. In fact, I am informed by some legal experts we had before the committee that this is the case, that in fact your right to privacy dies with you. I do not think that is a view Parliament should take. I do not think it is the right view.

In my opinion on this bill, we could properly provide access to personal census information in the future by giving the individual respondent the right to consent or not to its disclosure. As for past censuses, I am opposed to retroactive legislation. I would compromise only to the extent of permitting exceptions with careful safeguards in the case of those who wish to do research on their own family histories.

• (1800)

The Hon. the Speaker: Honourable senators, I wish to clarify that it is our agreement that I not see the clock and, accordingly, we will proceed with the next speaker. I must advise that if Senator Milne speaks now, her speech will have the effect of closing the debate on the motion for second reading of this bill.

Hon. Lorna Milne: Honourable senators, I am sure that some of my colleagues in this chamber will be delighted to have the debate closed on this particular issue.

Before I begin, rather than leave some of the statements that Senator Murray has made on the record, I should make a few factual corrections. The first comprehensive census that was made in Canada, or in the area that is now known as Canada, was not in 1871. The first census in Quebec was in the 1600s. The first census taken from the Maritime region of Canada was in the early 1800s. The first comprehensive census for all of the regions that would become Canada was made in 1841.

Senator Murray: I said post-Confederation.

Senator Milne: Yes, now you have said it, Senator Murray.

In 1851, the first comprehensive census was taken in Canada and the questions were almost identical to the ones taken in 1861, 1871, 1881, 1891, 1901, 1911 and from then on right through until the time of the Second World War. The questions varied in only minor respects.

The regulations for the census were also identical. The wording for the regulations in the 1901 census, and I believe also in the 1891 census, was the same, word-for-word, as the ones for the 1906 census and the 1911 census, which are the ones we are quibbling about releasing. Those censuses were released with absolutely no adverse effect to anyone. There never has been a complaint about the release of historic census data.

I believe, and Canadians obviously believed at that time, that the regulations were intended to apply to the people who were employed at that time by Census Canada, or its predecessors, to take the census. They were not intended to apply to future census takers 92 years from now. They were intended for the contemporary census takers. When anyone is hired by Census Canada to take the census, they swear an oath that they will not run down the road and reveal to all their neighbours what they have learned from another neighbour. The point was that this data would be kept secret from their contemporary friends and neighbours, as Senator Murray has pointed out.

I wonder if, 92 years hence, Senator Murray would object to the senators sitting around him knowing his answers to the census. I suspect that neither he nor other honourable senators will be around.

Canadian history is more than stories about Canadian politicians, scientists, leaders and authors. It is about our own personal histories as well. Canadian history has a story to tell about how each one of us got where we are today. It is about our personal culture, our families and about the lives our ancestors lived. Indeed, there is as much value in learning about our families as there is in learning about the great and powerful people who lead our country. In order to know who we are as individuals, as well as citizens of Canada, I believe it is crucial to know where we have been.

Honourable senators, census records are the most accurate, complete and trustworthy source of information on the history of individual Canadian families. They are the only records that tie people together in families. Any genealogist will tell you, as Senator Murray has pointed out, that these records form the backbone of much of the research genealogists do about our past. These records are, in a sense, the keys that unlock the millions of individual histories of all Canadians.

Unfortunately, those Canadians who wish to study their family's personal histories will no longer be able to use the census records for their research. As a result of the modern interpretation of regulations that were put in place over a century ago and because of the legislation that was enacted in 1918, as Senator Murray has pointed out, these records have been deemed private and will never be released to the public. This bill is intended to correct that error.

Honourable senators, the effect of this bill is straightforward and, in fact, balances the interests of those who wish to study their own history and those who are concerned about privacy. The bill requires Statistics Canada to transfer census records to the National Archives within 30 years of the date of the census. The National Archives is then required to store and preserve this fundamental part of Canadian history and may release the information 92 years after the date of the census. In order to maintain the privacy of those who want it, any person may request that their records not be released, so long as the request comes during the last year before the scheduled 92-year release of the census.

Honourable senators, I believe this bill is well balanced and considered. It is the product of many consultations with many stakeholders, including the Chief Statistician, the National Archivist, the Privacy Commissioner and others, to try and arrive at a workable solution.

Honourable senators, I urge you to keep the history of individual Canadians alive by passing this bill in due course. I look forward to discussing it in committee and to hearing Senator Murray's amendments.

The Hon. the Speaker: It was moved by the Honourable Senator Milne, seconded by the Senator Finnerty, that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Milne, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

• (1810)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Corbin, for the second reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I will give the abbreviated form of my second reading speech on this bill. I am mindful of the time and of your indulgence.

The point I should like to underscore is that last Thursday we marked World Water Day. I think the issue of clean water has become something that not only we in Canada but, indeed, people around the world are moving to the front burner of pressing issues. This is why we had provided, in our alternative speech in reply to the Address to the Speech from the Throne, that there ought to be, as a matter of policy in this Parliament, an undertaking to introduce clean water legislation.

We note that this was the explicit undertaking that the Progressive Conservative Party of Canada made. I should like to simply place on the record that our platform states that a

Progressive Conservative government would introduce a safe water act, legislating and ensuring safe drinking water and quality standards for Canadians that would be harmonized with the provinces and the territories. Everyone across Canada should have the same security in knowing their water is safe.

A Progressive Conservative government would enshrine into law and harmonize with the provinces and the territories Health Canada's guidelines for drinking water. As a result, any municipal water source in non-compliance would be immediately disclosed to the public. Transparency concerning the water supply will build the confidence that Canadians deserve.

A Progressive Conservative government would ensure that investment is channelled into a green municipal infrastructure to ensure safe drinking water and more effective waste management systems.

Finally, a Progressive Conservative government would seek to harmonize with the provincial and the territorial governments standards on the storage of products and activities that are permitted near municipal water wells as well as surface-based water supplies.

Honourable senators, it is easy for me to rise and enthusiastically embrace the principle of Senator Grafstein's bill because that is exactly what we undertook to do. It was clearly articulated in our platform, unlike some other platforms. Indeed, regrettably, we must note that the present government is not only refusing to implement promises made in their platform, but they are seen in some instances to be directly opposing measures to implement Red Book commitments, such as that dealing with the Ethics Counsellor being responsible to Parliament, something which was explicitly provided for in the Red Book and supported by some members of the government and those on the other side in the other place.

In bringing this bill forward, I concur directly with the initiative undertaken by Senator Grafstein. I am mindful of the hour. I think I have made my point.

On motion of Senator Robichaud, debate adjourned.

QUESTION OF PRIVILEGE

UNEQUAL TREATMENT OF SENATORS

Hon. Pat Carney: Honourable senators, I rise on a question of privilege today concerning the unequal treatment of senators, by senators, under the *Rules of the Senate*. The specific rule to which I am referring to is rule 37(4), which states:

37. Except as otherwise provided in these rules, or as otherwise ordered by the Senate:

(4) Except as provided in sections (2) and (3) above, no Senator shall speak for more than fifteen minutes, inclusive of any question or comments from other Senators which the Senator may permit in the course of his or her remarks.

Section 5 notes that the Clerk of the Senate shall keep a record of the time taken by each senator in the debate. The clerk shall inform the Speaker whenever a senator is about to exceed the time limits. The Speaker then calls the matter to the attention of the senator. When the senator's time has expired, the Speaker shall call that senator to order.

If the senator is in mid-sentence or clearly near the end of his or her speech, according to custom, the Speaker asks leave of the Senate to permit the senator to continue. According to precedent, the Senate agrees, and the senator is allowed to conclude his or her remarks and have them duly recorded in Hansard.

That rule and that custom and that precedent were unequally applied on Thursday, March 15, and that is the essence of my claim that my privileges as a senator have been breached.

On March 15, my colleague, Senator Nolin, a Quebec senator, spoke on the important question of the growth and the protection of francophone communities outside Quebec and federal government inaction on the issue. When Senator Nolin reached the time limit for his speech, he asked leave to continue. The Speaker put the question to the Senate and leave was granted. Senator Nolin continued for at least another three minutes, according to the Hansard report of his remarks.

Subsequently, on the same afternoon, I made a speech reporting on my letter to the Premier of British Columbia, in which I noted the existence of the Senatorial Selection Act which is still on the books of the B.C. legislature and which sets out the procedure for the election of senators in that province. I noted that the two important preconditions for an election of a senator — a Senate vacancy and an imminent provincial election — currently exist. In my speech, I recounted my offer to vacate my seat to an elected senator from B.C. if the Prime Minister would agree to appoint elected senators to fill my seat and that of Senator Ray Perrault. I think that many senators might agree that the issue and my offer was a matter of some significance.

When I was only three sentences from the end of my speech, I asked leave of the Senate to complete it. The time involved would have been about 25 seconds; I have timed them. Yet when the Speaker asked if leave was granted, two senators, Senator Finestone from Quebec and Deputy Leader of the Government Senator Robichaud, a francophone from New Brunswick, denied my request, emphatically answering in the negative. Hansard reports only Senator Robichaud, but his fellow Liberal Senator Finestone was even louder in her denial.

Honourable senators, we are all considered equal in this place. I maintain that refusing me the same courtesy to finish my speech as was extended to my colleague from Quebec constitutes unequal treatment that breached my privileges.

This inequality is exacerbated by the inequality that exists in the Senate in terms of representation from the regions of Canada which the Senate is supposed to reflect. There are only six senators at any time appointed from British Columbia, and only five seats are presently filled; yet, New Brunswick, with only 20 per cent of B.C.'s population, has 10 senators to represent the interests of the province. One of those 10 senators is Senator Robichaud. Senator Finestone is one of the 24 senators from Quebec, which is overrepresented in this chamber compared to B.C. Quebec interests should include the treatment of francophones in other Canadian provinces, as my colleague Senator Nolin pointed out in his speech, but equally important to Canada and to this chamber should be the respect accorded to the wishes of British Columbians on who should represent them in the Parliament of Canada. Clearly, B.C. does not have equal opportunity to have its rights, views and interests represented in this chamber at the best of times. It is also extremely difficult for B.C. senators to make the journey to Ottawa across a continent and through three time zones to attend sessions of this Senate and its committees. Surely, given these difficulties, British Columbian senators should be treated as equal to colleagues from other parts of the country.

• (1820)

While the election of senators might not be of interest to appointed senators from regions outside the West, this issue and others dealing with the reform of Parliament are of importance to British Columbians and other western provinces. Alberta already has two elected senators in waiting. My remarks were widely broadcast in that province. The concept of an appointed senator giving up her seat for an elected one was also well received in British Columbia, both in the media and by the public. My leader, Joe Clark, publicly supported my offer. Alliance leader Stockwell Day, whose party represents the majority of the voters in the West, called it courageous. The media, without exception, gave it a "thumbs up." Even the *Ottawa Citizen*, some distance from B.C., offered kudos to the concept.

Only the Prime Minister and his two Liberal senators opposite have given it a "thumbs down." Voter reaction, judging from my appearance on the province-wide Rafe Mair radio show, indicates there is more support in British Columbia for an elected Senate than for an appointed one. There is even stronger support for a wholesale reform of the Senate and impatience with the argument that Quebec, which enjoys an advantage over B.C., is unlikely to agree to levelling the playing field.

I should like to read into the record those missing sentences from my speech, sentences the two senators opposite refused to hear. Those sentences are as follows, honourable senators: The time frame, both for the introduction and the passing of Bill 65, as amended, and for the nomination process to take place represents an enormous challenge for British Columbians, but we are faced with the rare opportunity to take responsibility for determining who shall represent our province in the Senate of Canada. I am prepared to bet my Senate seat that British Columbians are ready for that challenge.

In his claim of a breach of privilege, my Alliance senatorial colleague Gerry St. Germain from B.C. noted that parliamentary authority Joseph Maingot states that to constitute privilege generally there must be some improper obstruction to the member performing his or her parliamentary work in either a direct or constructive way. The refusal by Senators Finestone and Robichaud to accord me equal treatment to that accorded a Quebec senator constitutes, in my view, an improper obstruction.

I note that there are no criteria for the granting of leave to finish a senatorial speech. I move, seconded by Senator Kinsella:

That my breach of privilege be referred to the Standing Committee on Privileges, Standing Rules and Orders for investigation and report and the development of specific criteria for the granting of leave to conclude senatorial speeches.

The Hon. the Speaker: Honourable senators, before a motion can be put to the chamber such as the one the Honourable Senator Carney has read from her notes, there must be a prima facie finding of breach of privilege.

Perhaps the honourable senator could reserve her motion until I hear from other senators on this question of privilege.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the raising of a question of privilege is an extremely serious occasion in any legislative institution. It should be the most serious debate that takes place at any time, because a senator's privilege, or indeed that of a member of the House of Commons, is a very important democratic right and freedom that we should do everything possible to protect at all times.

Let us examine whether in fact there has been a breach of privilege.

First, rule 43(1)(a) of the *Rules of the Senate of Canada* requires that a question of privilege be raised at the earliest opportunity. The abuse of privilege alleged by Senator Carney took place on March 15. There have been three full sitting days since March 15. Therefore, the provision in rule 43(1)(a) that this matter be raised at the earliest opportunity has not been respected with respect to this question of privilege.

Second, it is hard to argue that a breach of privilege has occurred when the Senate, as an institution, has made the decision to observe the letter of the *Rules of the Senate of Canada*. The *Rules of the Senate of Canada*, in section 37(4), cited by Senator Carney, provides that a senator can speak for only 15 minutes. Senator Carney goes further to argue that one senator that afternoon was given unanimous consent — which is what is required — to continue his speech. Senator Carney does not make reference the fact that she had already been given unanimous consent to advance the item on which she wished to

speak. Therefore, she was asking for unanimous consent twice within a 15-minute period.

The item to which Senator Finestone wished to speak was ahead of Senator Carney's item on the Order Paper. Senator Finestone graciously acceded to Senator Carney's original request for unanimous consent. However, Senator Finestone also wanted to make a speech that afternoon; she, too, had plans that required her to leave the chamber, so she was unwilling at that moment to give unanimous consent a second time.

I believe that Senator Carney was treated quite generously on March 15 by members of the chamber by being allowed to jump the queue and give her speech earlier than would have otherwise been possible. I do not think that she has raised a prima facie question of privilege because Senator Finestone and Senator Robichaud simply observed the letter of rule 37(4) of the *Rules of the Senate of Canada*. There is no precedent that says that leave should be granted to continue a speech. It is only with the agreement of every person in this chamber that a speech may be continued. Above all, this matter of privilege was not raised in this chamber at the earliest possible opportunity.

Senator Carney: Honourable senators, allow me to explain to the senator opposite why I was not in the chamber for the three full sitting days between March 15 and today.

One of the difficulties with travelling the long distance from British Columbia is that it results in health problems. In addition to the health problem of arthritis that I have incurred over 20 years in this place and the other place, I have now developed a new problem. My eyes bleed as a result of travelling from British Columbia to this place. The eye specialist to whom I have been referred tells me that, due to exposure to the dehydrated air in airplanes, the veins in my eyeballs burst, which is why I was not in the chamber on the three intervening days.

On the other point raised by Senator Carstairs, I think it is a spurious argument to say that, if an honourable senator is granted leave to advance the agenda, the rules of normal courtesy in the Senate do not apply. It is a constant practice in this Senate, as happened today, to be given leave to alter the order of items on the Order Paper. The suggestion that under those conditions other rules should apply is nowhere in the rules or in the precedents of the Senate.

Senator Carstairs says that there is no precedent to allow senators to finish their speeches. I argue that there is every precedent. In the more than 10 years that I have been a member of the Senate, I have never witnessed a senator being denied leave to finish a speech. If the honourable senator can supply this chamber with other examples under the same circumstances, I suggest that she do so.

• (1830)

I argue that I have made a case of unequal treatment of senators in this place. I am in the hands of His Honour.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I do not see how the matter raised would constitute a breach of the privileges in question. One Thursday, late in the afternoon, Senator Carney sought permission to proceed to inquiries, when other business had yet to be concluded. Consent was given. Her request was motivated by time constraints and, in fact, all senators have schedules they must observe. She then made her points and presented her arguments with respect to the election of senators in British Columbia. I believe that the 15 minutes she was given were sufficient. However, another honourable senator also wished to present his views that same afternoon, but he was not given permission to do so.

I find it hard to believe that the senator thinks that consent was refused for reasons of language. That is to impute very bad intentions to me. I do not understand that part of Senator Carney's argument. It should be completely retracted. We are here to represent all Canadians, regardless of their language.

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, obviously, I am sympathetic to the case that Senator Carney puts forward. However, we are bound by rules. I want to draw to the attention of honourable senators my understanding of the importance of sustaining an individual veto by each senator on a matter dealing with unanimous consent. It goes to the very heart of equality.

It is my understanding that in this chamber each senator has equal power to either give or withdraw consent. This is one of the most powerful tools that each senator in this chamber has, and it speaks to the equality of each senator's powers, privileges and immunities.

I thank Senator Carney for bringing to our attention an important issue, as Senator Carstairs has said, which deals with the general principle but also the rule. I refer to the definition of the words "unanimous consent." No one can quarrel with the fact that the rule is clear: it states that the allotted time is 15 minutes. No one can quarrel with the fact that after 15 minutes senators must ask for the unanimous consent of each other senator to continue. The rules are clear. There is no dispute about that.

Having said that, honourable senators, let us together take a look at what the Oxford Dictionary says about consent. First, under "consent" it states, "voluntary agreement," and then it states "or acquiescence in what another proposes or desires." In other words, it is up to each individual senator to either grant his or her consent or to withhold it. However, to take the rule to the position that the exercise of each individual's unilateral assent or consent is somehow impinging on the equality rule is to my mind stretching the principle. Having been sympathetic, and I was not here to hear what the senator said, I think the rule is very

clear — I think it is absolutely clear. It states that a senator has 15 minutes, following which unanimous consent is required, which means that each senator must decide for himself or herself whether to grant it.

Whether it is kind or gentle or there will be reciprocity by refusing to do so is another question. In any way, shape or form to limit by a *prima facie* case of privilege the right of each senator to voluntarily grant consent is to my mind diminishing the powers, the privileges and the immunity of the Senate.

I want to make it clear to Senator Carney that I am sympathetic to her case. I cannot recall a time when I withdrew consent myself, so I do not want to speak for Senator Robichaud or other senators. It is important for all senators to stand up and support the principle underlying the rule, which is that each senator is equal. Therefore, each senator voluntarily can either grant or withhold consent. It is an individual matter of discretion. It is one of the powerful tools that each senator has. To diminish that right in any way, shape or form by a ruling of the Speaker might diminish the power of the Senate.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in order to attempt to be helpful to His Honour in ascertaining whether or not we are dealing with a *prima facie* case of privilege, I wish to direct His Honour's attention to some of the procedural literature.

First, I refer honourable senators to *House of Commons Procedure and Practice* by Robert Marleau and Camille Montpetit. On page 51, the authors point out the categories of privilege that are privileges of members individually. They state that members' individual privileges are generally categorized under certain headings. The very first heading is freedom of speech.

My analysis of the situation, starting from the principle of freedom of speech, is that this freedom gets impeded. It is impeded by things like the rules. The serious issue that is before us is: Are our rules flexible enough to allow for the fulsome exercise of freedom of speech of the members?

Last year, we went through a period of time when leave was requested to continue beyond 15 minutes and some argued, "Well, we will give you three more minutes." Someone else would receive five minutes more. That plays right into the point that Senator Carney is making. Where is the equality of this, which was raised by Senator Grafstein?

• (1840)

Honourable senators, I accept rule 37, which states, "Except as otherwise provided in these rules, or otherwise ordered by the Senate." The leave not to follow the 15-minute rule is ordered by the Senate. Senator Carney drew our attention in her opening remarks to the practice and the courtesy here. That courtesy, notwithstanding its long history in our Westminster system, does rest on some Canadian values.

For example, I look at the issue of privileges since Confederation. Since Confederation, our privileges flowed in part from section 18 of the British North America Act. However, since 1982, the British North America Act has been subject to the Canadian Charter of Rights and Freedoms. The Parliament of Canada Act, at sections 4 and 5, speaks to privilege. Is not the Parliament of Canada Act subject to the Canadian Charter of Rights and freedoms? What does section 15 of the Canadian Charter of Rights and freedoms tell us? It tells us that everyone is equal before and under the law and has the equal benefit of the law without discrimination and, in particular, without discrimination on the basis of certain grounds. Our values in our country are clear both in terms of how Parliament operates and as underscored by the principle of our Charter of Rights and Freedoms.

When Senator Carney was speaking, she drew a reference to Maingot. His Honour might want to look at chapter 3, "Privileges and Immunities," in Marleau's book, specifically, the footnote on page 76. The reference is to Maingot's article, where he talks about the relationship *de jure* and custom between privilege and the Charter. Perhaps His Honour might want to have a look at that as well.

The Hon. the Speaker: Do you have a question, Honourable Senator Grafstein?

I wish to point out to honourable senators that the procedure here is that the Speaker must determine when he or she has heard enough to determine whether or not a *prima facie* case of privilege has been made. I must advise honourable senators that I am getting close to a point where I believe I have heard enough. It is a matter of debate; it is a matter of advising the Speaker, to assist him or her — in this case a him — on what his ruling should be.

Having made that observation, I will see Senator Grafstein and Senator Bryden, and then I should like to wind up.

Senator Grafstein: Honourable senators, I am trying to follow Senator Kinsella's argument. He is trying to make a very important case about courtesy and convention. I do not take it that that is the subject matter of a *prima facie* case of privilege. Convention and courtesy are separate matters.

When the honourable senator looks at the question of the Charter and prohibition of freedom of speech or obfuscation of freedom of speech, no one can quarrel with that in principle. However, honourable senators have all the opportunities in the world, if they are foreclosed from speaking at one moment, on another occasion to continue their speech. For instance, some senators will find that they have extended their period and they speak the following day on another topic, but dealing with the same subject matter. Both sides have done that. I am addressing

this question to the Honourable Senator Kinsella: How can you then equivocate the flexibility of the *Rules of the Senate of Canada* with the notion that somehow freedom of speech has been impeded? I do not follow that logically, when there has been no prevention from continuous speech or an idea that is very important on another occasion or even later in the day.

Senator Kinsella: If it is helpful to His Honour, the situation begins when an honourable senator gets up to exercise his or her freedom of speech in open debate. It is limited by the rules. Our practice and convention for the years that I have been here is that, out of a courtesy, senators provide an extension. The concern that is raised is this: In the exercise of a parliamentary convention or practice, what norm will guide honourable senators in the exercise of the judgment to withhold or to grant leave?

I am simply arguing that the value or the norm must be the norm that is Canadian, which is that everyone is to be treated equally. The case I heard being made is that all honourable senators are not treated fairly or equally. To that extent, we have a problem that should be addressed by the rules. That constitutes the breach of privilege that is personal in that first category, as I pointed out, to which Marleau speaks.

The issue there was, are we dealing with something that is really privilege? Yes, freedom of speech is a personal privilege issue.

Hon. John G. Bryden: Honourable senators, I have not been here 10 years, but I have been here six years. I have heard the unanimous consent to continue denied a number of times. Indeed, the last time that it happened to me was not last week but the week before, when a friend of mine on this side of the house and from my own province denied me the right to continue. He had a right to do that and I sat down. I did something later, however, but not at that time.

The Hon. the Speaker: Honourable senators, I thank you for your helpful comments. I am very conscious of rule 43(12) as I stand before you now, which states the following:

43(12) The Speaker shall determine whether a *prima facie* case of privilege has been made out. In making a ruling, the Speaker shall state the reasons for that ruling, together with references to any rule or other written authority relevant to the case.

We have taken some time to consider this important matter and, to do justice to the provisions of our rule, I shall reserve. I shall bring back a ruling at the earliest possible date.

The Senate adjourned until Wednesday, March 28, 2001, at 1:30 p.m.

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